

Administrative Guidelines:

Employee Code of Conduct



VERSION CONTROL

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LAST SCHOOL SYSTEM LEGAL REVIEW	

Administrative Guidelines: Employee Code of Conduct (TN)
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ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (TN)



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The logo consists of the letters "ECOC" in a white, sans-serif font, centered within a dark red, horizontal rectangular shape that has a slight gradient and a shadow effect.

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DISCLAIMER

IN THE OPINION OF THE AUTHORS, THE CONTENTS OF THIS MANUAL REPRESENT A SYNTHESIS OF RESEARCH-SUPPORTED BEST PRACTICES DERIVED FROM MULTIPLE DOMAINS AND ARE PROVIDED TO THE SCHOOL SYSTEM ON AN "AS-IS" BASIS. THE VIEWS EXPRESSED HEREIN NEITHER CONSTITUTE, NOR SHOULD THEY BE CONSIDERED AS SUBSTITUTES FOR, COMPETENT LEGAL ADVICE. THE SCHOOL SYSTEM IS URGED TO CONSULT WITH COUNSEL IN THE MANNER DICTATED BY LOCAL CUSTOM OR POLICY REGARDING SPECIFIC QUESTIONS PERTAINING TO THE SUBJECT MATTER INVOLVED.

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ECOC

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INTRODUCTION

April 28, 2015

Dear Oak Ridge Schools Employee:



OAK RIDGE SCHOOLS
304 NEW YORK AVE.
P.O. BOX 6588
OAK RIDGE, TN 37831-6588

Telephone: 865.425.9001
Fax: 865.425.9070

Dr. Bruce T. Borchers
Superintendent
Email: btborchers@ortn.edu

Throughout its history, the Oak Ridge Schools Board of Education has maintained and enforced high standards for ethical conduct and professional competency. The ORS Employee *Code of Conduct* (ECOC) is one tool for assisting all staff in meeting these standards.

Because staff conduct has the potential to either support or undermine the stated mission, vision, and goals of the school system, the ECOC was developed to provide all Oak Ridge Schools employees with a better understanding of:

- The school system's expectations for ethical staff behavior outlined in ORS policies 1.106, 5.600, and 5.611
- Their responsibilities to our community for meeting these expectations;
- The types of incidents that demonstrate a failure to meet these expectations;
- The rationale for the school system's approach to staff misconduct; and
- Their rights before, during and after any disciplinary action where applicable.

Where applicable, disciplinary action will be taken:

- In accordance with federal law, state statute and Oak Ridge Schools Board of Education policy;
- In a reasonable, fair, and consistent manner; and
- Without regard to race, creed, color, gender, religion, age, national origin, disability, veteran status, military status, citizenship status, gender identity, or any other basis in federal or state law, in accordance with ORS policies 1.802, 5.104, 5.500, and 5.600.

The ECOC is intended to support existing Oak Ridge Schools Board of Education policies and administrative procedures that address staff conduct, staff ethics, and employee discipline. The ECOC does not establish new administrative procedures in these areas.

Finally, the ECOC is not a substitute for good judgment, nor does it cover every possible conduct or disciplinary situation that may be encountered by a staff member or a supervisor during his or her career. When in doubt about any specific action or behavior, please consult with your direct supervisor or Human Resources.

Sincerely,

Dr. Bruce Borchers, Superintendent
Oak Ridge Schools

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1.0 STATEMENTS OF PURPOSE AND INTENT

The following administrative statements were developed to assist all employees of in their understanding of the purpose and intent of the School System *Employee Code of Conduct* (ECOC).

PURPOSE OF THE EMPLOYEE CODE OF CONDUCT

The purpose of the ECOC is to ensure that each staff member is aware of his or her responsibility for supporting the mission, vision, and goals of the School System as follows:

- **Mission.** The mission of the School System is success for every Oak Ridge student.
- **Vision.** The School System will ensure success for every student through high quality standards-based curriculum, highly effective instruction, balanced and reliable measurement, and targeted responses to learning.
- **Goals.** The Board of Education has established goals for the School System in the following operational areas:
 - **Operations [ORS 1.700]**
 - To make every effort to secure adequate funding for the educational program in support of the stated goals.
 - To maintain an adequate system of fiscal and business management.
 - To develop plans for the efficient use of school facilities.
 - To ensure appropriate communication between the Superintendent and the Board of Education.
 - **Fiscal management [ORS 2.100]**
 - To engage in advance planning, with broad-based staff and community involvement.
 - To establish levels of funding which will provide quality education for the School System's students.
 - To use the available techniques for budget development and management.
 - To provide timely and appropriate information to all staff with fiscal management responsibilities.
 - To establish efficient procedures for accounting, reporting, purchasing and delivery, payroll, payment of vendors and contractors, and all other areas of fiscal management.
 - **Business management [ORS 3.100]**
 - To develop a plan for the management of buildings and grounds which provides a safe, secure, comfortable, and clean environment for instruction and administration.
 - To provide a building maintenance program that protects the taxpayer's investment in facilities and ensures their continued use.
 - To provide sufficient supplies and equipment for effective teaching and learning.
 - To provide a student transportation system which meets state requirements.
 - To design and implement a program of food services which emphasizes nutritional needs of children as the basis of growth and development of bodies and minds.
 - To collect and maintain data pertinent to educational planning.
 - To provide a sound program of insurance protection for system employees, students, and property.
 - **Instruction [ORS 1.700 and 4.100]**
 - To promote a plan for the organized improvement of school curriculum, including the articulation between elementary and secondary schools.
 - To provide offerings which explore a wide range of career and service opportunities.
 - To promote an integration of academic, physical, social and emotional growth experiences for each student.

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1.0 STATEMENTS OF PURPOSE AND INTENT—CONT'D. *PURPOSE OF THE EMPLOYEE CODE OF CONDUCT—CONT'D.*

- To promote the recognition of achievement in all endeavors (example, academic, athletic).
- To acquire the knowledge and attitude necessary to achieve and maintain good physical and mental health.
- To develop the skills necessary to function as a self-directed person.
- To develop the capacity to cope with change through an understanding of the arts, humanities and scientific processes.
- To know the principles involved in making moral and ethical choices.
- To develop the basic skills of reading, writing, computation, spelling, speaking and problem solving.
- To develop a positive attitude toward learning as a lifelong endeavor.
- To learn to identify personal talents and interests, make appropriate career choices, and develop career skills.
- To acquire knowledge and to develop skills in the management of personal and public resources necessary for meeting obligations to self, family and society.
- To learn to act in a responsible manner.
- To learn of the rights and responsibilities of citizens of the community, state, nation, and world.
- To learn to understand, respect, and interact with people of different cultures, generations, and races.
- **Personnel [ORS 1.700 and 5.100]**
 - To recruit and employ the best qualified individuals to staff the school system.
 - To provide compensation, benefits, and working environments sufficient to attract and retain qualified employees.
 - To provide high quality performance by the staff, including both Professional Personnel and Support Personnel.
 - To establish acceptable performance standards for all personnel.
 - To provide in-service training and professional growth experiences for teachers and administrators.
 - To provide an in-service training program for all employees to improve their performance.
 - To maintain an evaluation system for the improvement of the instructional system.
 - To conduct an evaluation program that will contribute to the continuous improvement of staff performance.
 - To ensure that personnel are assigned so that they are utilized as effectively as possible.
- **Students [ORS 1.700 and 6.100]**
 - To structure the overall instructional program to provide sufficient alternatives to meet a variety of individual needs and aspirations.
 - To ensure that each student's interests, capacities and objectives are considered in his/her learning program.
 - To develop a comprehensive program for disabled students providing the least restrictive programs.
 - To help students gain understanding of themselves, as well as skills and techniques in living and working with others and being responsible citizens.
 - To assure all students the same educational opportunities regardless of race, creed, color, religion, ethnic origin, sex, gender identity, or disability.
 - To protect and observe the legal rights of students.
 - To enhance the self-image of each student by helping him or her feel respected and worthy through a learning environment which provides positive encouragement from frequent success.

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1.0 STATEMENTS OF PURPOSE AND INTENT—CONT'D. *PURPOSE OF THE EMPLOYEE CODE OF CONDUCT—CONT'D.*

- To provide an environment of reality in which students can learn personal and civic responsibility for their actions through meaningful experiences as school citizens.
- To deal with students in matters of discipline in a fair and constructive manner.
- To provide for the safety, health and welfare of students.
- To promote faithful attendance and good work.

Employees fulfill this responsibility when their actions and behaviors – both professionally and personally – reflect the following general standards for ethical conduct:

- **Legal expectations for conduct.** All employees are expected to comply with: 1) Applicable federal law and implementing regulations; 2) Applicable state law (TCA) and implementing regulations (TRR); and 3) Applicable local ordinances.
- **Professional expectations for conduct.** All Licensed Employees are expected to comply with the *Tennessee Teacher Code of Ethics* [TCA §49-5-1001 et seq.; ORS 5.600].
- **School System expectations for conduct.** All employees are expected to conduct themselves in a manner consistent with the Board's *Code of Ethics Policy* (CEP) [ORS 1.106], *Staff Rights & Responsibilities Policy* (SRRP) [ORS 5.600], *Employee Ethics Policy* (EEP) [ORS 5.611], and all other policies, rules, procedures, and routines established by the School System, the Superintendent, or his/her designee(s).

INTENT OF THE EMPLOYEE CODE OF CONDUCT

In accordance with its purpose, the intent of this ECOC is:

- To alert employees to the types of actions and behaviors that most commonly represent violations of the general standards for ethical conduct outlined above, and as such, grounds for employee discipline; and
- To define a rational course of action for addressing potentially unethical employee conduct in a manner consistent with federal law, state statute, and Board policy.

NOTE: This ECOC is not intended to address every possible type of employee misconduct. School personnel must not conclude that disciplinary action cannot arise out of actions or behaviors not specifically referenced herein where supported by federal law, state statute, local ordinance, or Board policy.

COLLABORATIVE CONFERENCING IMPACT

The Board of Education: 1) Does not participate in Collaborative Conferencing under the *Professional Educators Collaborative Conferencing Act of 2011* (PECCA) [TCA §49-5-601 et seq.] at the present time; and 2) Retains all applicable Management Rights [see ORS 5.900, 5.901 and 5.902].

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**1.0 STATEMENTS OF PURPOSE AND INTENT—CONT'D.
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2.0 BOARD-EXPECTED BEHAVIORS

OAK RIDGE SCHOOLS BOARD OF EDUCATION EMPLOYEE CODE OF EXPECTED BEHAVIORS

Oak Ridge Schools Board of Education-Approved Employee Code of Conduct Expected Behaviors

Each Oak Ridge Schools Board of Education employee shall:

1. Report to work acceptable for duty, and remain suitable while on duty, as articulated in the employee's job description.
2. Prepare for and perform all assigned duties as required by, and related to, the employee's job description.
3. Comply with justifiable directives issued by established lines of authority.
4. Identify, report, and/or control, if possible, unsafe conditions and/or safety hazards to maintain safe and secure working and/or learning environments.
5. Demonstrate respect and integrity when interacting with students, parents, staff, community members, and other stakeholders.
6. Comply with federal laws/implementing regulations, state statutes/implementing regulations, Board policies, and School System administrative procedures that prohibit coercive, harassing, threatening, retaliating, or discriminating conduct.
7. Communicate in a truthful and timely manner about any matter of interest to the School System.
8. Acquire, use, maintain, and dispose of School System assets in an ethical and responsible manner in accordance with federal laws/implementing regulations, state statutes/implementing regulations, Board policies, and School System administrative procedures.
9. Maintain the confidentiality of information as required under federal laws/implementing regulations, state statutes/implementing regulations, Board policies, and School System administrative procedures.
10. Report actions that may represent violations of federal laws/implementing regulations, state statutes/implementing regulations, Board policies, and School System administrative procedures.
11. Refrain from unethical activities that may reasonably interfere with either the employee's ability to effectively perform his or her duties as assigned or the legitimate operational interests of the School System.
12. Comply with all other federal laws/implementing regulations, state statutes/implementing regulations, Board policies, and School System administrative procedures.

Approved this 27 day of April, 2015.

Signed:

Keys Fillauer, Chairman, Oak Ridge Schools Board of Education

Signed:

Robert Eby, Vice Chair, Oak Ridge Schools Board of Education


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2.0 BOARD-EXPECTED BEHAVIORS—CONT'D.

Signed: 

Angi Agle, Member, Oak Ridge Schools Board of Education

Signed: 

Paige Marshall, Member, Oak Ridge Schools Board of Education

Signed: 

Laura McLean, Member, Oak Ridge Schools Board of Education

Signed: 

Dr. Bruce Borchers, Superintendent, Oak Ridge Schools

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3.0 CONDUCT MANAGEMENT OVERVIEW

The following administrative guidelines and regulations were developed to ensure that issues involving staff ethics or conduct issues are managed in accordance with the purpose and intent of the ECOC.

RATIONALE FOR DISCIPLINARY ACTIONS

It is essential that prompt, corrective action is taken whenever conduct standards are not being met by an employee. In situations where action(s) or behavior(s) are found to represent one or more violations of the ECOC, disciplinary action must be considered and should reflect the following School System goals for the disciplinary process:

GOALS FOR EACH DISCIPLINARY ACTION

REASONABLENESS: For the purpose of the ECOC, *reasonableness* means the management of comparable incidents in a similar manner (i.e., “like penalties for like offenses in like circumstances”).

FAIRNESS: For the purpose of the ECOC, *fairness* means the full consideration of all relevant case facts before a specific disciplinary option is selected or recommended to address any specific incident. Because no two disciplinary situations are completely identical, the ECOC was designed to support the consideration of all aggravating and mitigating circumstances before disciplinary action is initiated to ensure that the accused are treated in a just manner before, during and after the employee disciplinary process.

CONSISTENCY: For the purpose of the ECOC, *consistency* means the use of the same or substantially similar types of employee discipline in situations involving the same or substantially similar incidents. As such, the ECOC was designed to ensure a high level of internal consistency in disciplinary matters involving employees.

If necessary, disciplinary action will be taken promptly and in compliance with federal law, state statute and Board policy to protect both the interests of the School System and the applicable due process rights of the employee involved. Disciplinary action will be taken equitably and without regard to race, creed, color, gender, religion, age, national origin, disability, veteran status, military status, citizenship status, gender identity, or any other basis in federal or state law, and the private and confidential nature of each such action will be respected at all times [TCA §4-21-401; ORS 1.802, 5.104, 5.500 and 5.600].

An overview of the employee discipline process is as follows (see [Appendix 3.01](#)):

- **Step #1: Establish the ECOC violation.** The specific grounds for employee discipline must be determined. Where required, “Just Cause” must be established.
- **Step #2: Verify the ECOC violation.** The grounds for employee discipline must be substantiated or refuted by either an informal inquiry or a formal investigation conducted under presumption of innocence (see investigation documentation examples in [Appendix 3.02](#) and [Appendix 3.03](#)). If these grounds are substantiated, the specifics of a charge will be described in as much detail (e.g., the “who”, “what”, “where”, “when” and “how”) as possible supported by all relevant evidence (e.g., documentation that leave was disapproved in a case where an employee is later disciplined for unauthorized absence). Where applicable, a connection may be made for the employee between the charge and the mission, vision, and goals of the School System.
- **Step #3: Determine a course of action.** Only after the grounds for employee discipline have been substantiated will one of the following two general courses of action be taken:

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3.0 CONDUCT MANAGEMENT OVERVIEW–CONT'D. RATIONALE FOR DISCIPLINARY ACTIONS–CONT'D.

- **Informal action** (i.e., an [Acknowledged Oral Warning](#) or [Written Warning](#)); or
- **Formal action** (i.e., an [Official Reprimand](#), [Suspension](#) or [Dismissal](#)).

For the purposes of the ECOC, a “reasonable” course of action will “fit” both the specific offense involved and the disciplinary record of the affected employee where applicable (i.e., presence or absence of the same or substantially similar disciplinary events in the past).

Supervisor Tip: Consider the relative severity of an offense

Each offense listed in the ECOC is assigned to one of five classifications (“minor”, “moderate”, “major”, “non-disqualifying” and “disqualifying”) based on its severity relative to all other ECOC violations. The classification of any ECOC violation determines the case management strategy for either an initial offense or repeat offenses (if applicable), and the range of School System-permitted disciplinary options for each ECOC violation-interval pairing shown.

- **Step #4: Consider the case facts.** Unless otherwise irrelevant based on state law, all relevant aggravating and mitigating factors in the case must be considered by the Supervisor or investigator before a specific action is selected or recommended. This process should be accomplished by the completion of a case evaluation using the following set of “Douglas Factors” (see [Appendix 3.04](#)):

DOUGLAS FACTORS

- 1 The nature and seriousness of the offense and its relation to the employee’s duties, position, and responsibilities, including whether the offense was intentional or inadvertent, or was committed maliciously or for gain, or was frequently repeated.
- 2 The employee’s job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.
- 3 The employee’s past disciplinary record.
- 4 The employee’s employment record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
- 5 The effects of the offense upon the employee’s ability to perform at a satisfactory level and its effect upon the Supervisor’s confidence in the employee’s ability to perform assigned duties.
- 6 The consistency of the penalty with those imposed upon and on other employees for the same or similar offenses.
- 7 The consistency of the penalty with any applicable School System table of penalties.
- 8 The notoriety of the offense or its impact upon the reputation of the School System.
- 9 The clarity with which the employee was previously notified of any rules violated in committing the offense, or had previously received non-disciplinary counseling regarding the conduct in question, if applicable.
- 10 The employee’s potential for rehabilitation, if applicable.
- 11 Any special circumstances surrounding the offense such as unusual job tension, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.
- 12 The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or by others.

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3.0 CONDUCT MANAGEMENT OVERVIEW–CONT'D. RATIONALE FOR DISCIPLINARY ACTIONS–CONT'D.

For the purposes of the ECOC, an “appropriate” action will “fit” the aggravating and mitigating case facts involved. General rules for applying the Douglas Factors to a disciplinary case are as follows:

- Aggravating factors support the selection or recommendation of a more severe action, while mitigating factors support the selection or recommendation of a less severe action.
- Any of these factors can be either mitigating or aggravating depending on the specific circumstances.

Supervisor Tip: Consider the need for progressive discipline

While some incidents are so grave as to warrant immediate formal action up to and including Dismissal, repetitive misconduct of a lesser nature may require progressively more serious sanctions. In cases of chronic employee conduct, progressively more serious action should be taken or recommended when it is evident that either: 1) Non-disciplinary strategies (if used) did not result modification or suppression of the action(s) or behavior(s) involved; or 2) Previous disciplinary actions failed to correct a chronic ECOC violation.

- **Step #5: Document the action.** It is important that accurate documentation is maintained before, during, and after each disciplinary action for both the interests of the School System and the applicable rights of the employee involved.

DELEGATION OF AUTHORITY

While the Superintendent and the Board of Education are ultimately responsible for all disciplinary actions within the School System, the following lines of authority are designated for each specific type of disciplinary action:

- Authority to issue an [Acknowledged Oral Warning](#) or a [Written Warning](#) is delegated by the Superintendent to those supervisors directly responsible for planning, directing and/or overseeing the work of others.
- Authority to issue an [Official Reprimand](#) is delegated to School System level supervisors and building level principals with guidance and input from the Superintendent or his/her designee.
- Authority to execute a [Suspension](#) will remain with the Superintendent or his/her designee.
- Authority to execute a [Dismissal](#) will remain with the Board of Education, upon recommendation of the Superintendent, where and when applicable.

ROLES & RESPONSIBILITIES

Each Supervisor should be aware of all disciplinary guidelines and regulations, including those involving actions outside of his/her scope of authority to execute. Cases involving less serious violations of the ECOC will typically be managed by the employee’s direct Supervisor; however, cases involving more serious violations of the ECOC must be managed by, or referred to, the Superintendent or his/her designee. Responsibilities related either directly or indirectly to employee discipline within the School System include, but are not limited to, the following [TCA §6-36-110 , §8-17-101 et seq., §8-44-101 et seq., §10-7-401 et seq., §10-7-501 et seq., §49-2-202, §49-2-203(a)(1) et seq., §49-2-205 through 207, §49-2-301(a) et seq., §49-2-303 (a)(1) et seq., §49-5-501 (10) and (11), §49-5-503 and §49-5-504, §49-5-511 through 513, §49-5-601 et seq. and §49-5-5012; ORS 1.100, 1.101, 1.106, 1.1061, 1.107, 1.201, 1.202, 1.205, 1.300, 1.301, 1.302, 1.400, 1.401, 1.402, 1.403, 1.404, 1.405, 1.406, 1.407, 1.500, 1.600, 1.601, 1.602, 1.700, 1.701, 1.702, 5.102, 5.108, 5.114, 5.1141, 5.117, 5.200, 5.201, 5.202, 5.600, 5.611, 5.700 and 5.800]:

The Board of Education is responsible for:

- Formulating, adopting, and disseminating policies for the School System consistent with the school laws of the state [ORS 1.101, 1.600 and 5.901].

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3.0 CONDUCT MANAGEMENT OVERVIEW–CONT'D. ROLES & RESPONSIBILITIES–CONT'D.

- Operating the local public schools as it deems fit in compliance with state and federal mandates [ORS 1.101].
- Functioning only when in session [ORS 1.101].
- Employing a chief school administrator who shall carry out the policies of the Board of Education through the development and implementation of administrative procedures [ORS 1.101, 5.800 and 5.801].
- Reviewing policies, evaluating their effectiveness, and passing, revising, or deleting policies mandated by changing conditions on at least a biannual basis [ORS 1.101 and 1.600].
- Requiring reliable information from responsible sources which enable the Board of Education and the staff to work toward the continuous improvement of the educational program [ORS 1.101].
- Keeping the local community informed about the School System, its accomplishments, and its actions and build public support for the schools by involving the public in the planning process [ORS 1.101].
- Striving to provide the best educational opportunities possible for all children [ORS 1.101].
- Exercising its powers through the enactment of policies for the organization and operation of the School System [ORS 1.101].
- Delegating the administration of the schools to the Superintendent [ORS 1.101].
- Specifying its requirements and expectations of the Superintendent [ORS 1.205].
- Holding the Superintendent accountable by evaluating how well Board requirements and expectations have been met [ORS 1.205 and 5.803].
- Referring complaints to the Superintendent and abstaining from individual counsel and action in regard to staff members [ORS 1.202 and 5.502].
- Voting and acting impartially for the good of the School System [ORS 1.202].

The Superintendent is responsible for:

- Being accountable to the Board of Education [ORS 1.205 and 5.800].
- Drafting policy proposals and maintaining the Board's policy manual [ORS 1.600, 5.901 and 5.902].
- Implementing Board policies and interpreting them to staff, students, and the public [ORS 1.601].
- Developing administrative procedures as necessary to implement Board policies in consultation with principals, staff members, and other persons and groups as appropriate to the topic [ORS 1.601].
- Establishing and maintaining an orderly plan both for preserving administrative procedures and making them accessible to all employees [ORS 1.601].
- Exercising, under the direction of the Board of Education, general supervision of all the public schools, personnel and departments of the School System [ORS 5.800].
- Managing the schools under Board policies [ORS 5.800].
- Delegating any of his or her responsibilities to other school personnel at his or her discretion [ORS 5.800 and 5.108].
- Specifying requirements and expectations for all School System personnel who report to him or her [ORS 1.205].
- Holding all School System personnel who report to him or her accountable for meeting these expectations [ORS 1.205].
- Completing investigations or inquiries of alleged ECOC violations when required.
- Using, completing, and interpreting disciplinary rubrics before taking disciplinary actions.
- Conducting a technical analysis of any recommendation for Suspension or Dismissal.
- Administering disciplinary actions in a fair, impartial, uniform, and confidential manner.
- Participating in hearings, grievance proceedings, or appeal proceedings as necessary.
- Maintaining and regularly reviewing disciplinary data at the School System level.

The Superintendent's designees are responsible for:

- Making a reasonable effort to ensure that established policies and other conditions of employment are made known to all employees at the building or site level.

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3.0 CONDUCT MANAGEMENT OVERVIEW–CONT'D. ROLES & RESPONSIBILITIES–CONT'D.

- Establishing rules and procedures for the staff and students of their schools that are consistent with the policies of the Board of Education and the regulations of the Superintendent [ORS 1.601].
- Completing investigations or inquiries of alleged ECOC violations when required.
- Using, completing, and interpreting disciplinary rubrics before taking disciplinary actions.
- Referring any case involving a potential Official Reprimand or Suspension to the Superintendent or his/her designee.
- Submitting recommendations to the Superintendent regarding the Dismissal of all personnel [TCA §49-2-303(b)(3)].
- Administering disciplinary actions in a fair, impartial, uniform, and confidential manner.
- Participating in hearings, grievance proceedings, or appeal proceedings as necessary.
- Maintaining and regularly reviewing disciplinary data at the building/site level.

All employees are responsible for:

- Keeping informed about school policies [ORS 5.901].
- Implementing policies and regulations after their adoption [ORS 5.902].
- Reading, understanding, abiding by, and asking questions about the ECOC.
- Discharging their assigned duties ethically, conscientiously, competently, and professionally.
- Maintaining their personal lives in a manner that avoids potential off-duty ECOC conflicts.
- Respecting the supervisory responsibility of those directing their work.

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The logo consists of the letters "ECOC" in white, set against a dark red, slightly irregular rectangular background.

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**3.0 CONDUCT MANAGEMENT OVERVIEW–CONT'D.
*ROLES & RESPONSIBILITIES–CONT'D.***

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4.0 ECOC VIOLATIONS *POTENTIAL VIOLATIONS OF POLICY ALONE*

The following actions and/or behaviors represent grounds for employee discipline within the School System based on violations of policy and/or regulation alone:

ATTENDANCE, PUNCTUALITY, OR CONTRACT DAY POLICY VIOLATION

Definition: This ECOC violation means any lack of compliance with an established policy, approved schedule, routine, procedures or provisions relating to an employee's time on duty.

Examples: Include, but are not limited to, the following:

- Logging excessive absences without approval.
- Abusing sick or other leave.
- Arriving late or leaving an assigned duty station early without prior authorization.
- Failing to report for duty.
- Being Absent without Leave.
- Failing to follow proper absence notification procedures.

Related alignments include, but may not be limited to, the following:

Federal: *Fair Labor Standards Act of 1938, As Amended* [FLSA; 29 USC §201 et seq. and 29 CFR §553]; *Family Medical Leave Act of 1993* [FMLA; 29 USC §2601 and 29 CFR §825]; *Uniformed Services Employment and Re-employment Rights Act of 2005* [USERRA; 38 USC §4301 et seq.]

State: TCA §4-21-408; §5-23-104; §7-51-1503; §8-33-109; §22-1-103; §22-4-106; §49-2-301(b)(1)(GG); §22-4-106; §49-5-201(a)(1) and (12); §49-5-203(b)(2); §49-5-205; §49-5-303; §49-5-408; §49-5-501(3)(C) and (8); §49-5-508; §49-5-701 et seq.; §49-5-808 ; §49-5-5206 through 5209; §49-5-5304 through 5306; §49-5-5404 through 5406; §49-6-3004; §58-1-106; TRR 0520-01-02.04

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(1)

School System: ORS 1.800; 1.801; 3.602; 5.110; 5.111; 5.113; 5.200; 5.201; 5.202; 5.300; 5.301; 5.302; 5.303; 5.304; 5.305; 5.306; 5.307; 5.308; 5.309; 5.310; 5.600; 5.602; 5.603; 5.611; 5.905; 5.906

Association:

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: MINOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

ATTENDANCE, PUNCTUALITY, OR CONTRACT POLICY VIOLATION—CONT'D.

Case Management Options: Attendance, Punctuality or Contract Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

- Important ECOC-related leave provisions apply for School System personnel (see [Appendix 4.01](#)).
- Support Personnel who have been assigned to work Overtime, whether voluntary or mandatory, shall be expected to report to work as scheduled. Failure to report shall subject an employee to disciplinary procedures as specified for any other non-appearance for a regularly scheduled work time.
- Support Personnel shall be released from mandatory Overtime, without fear of discipline, when they can provide a reasonable excuse such as the following: 1) Personal family emergency; 2) Personal or family health maintenance; or 3) Important family function (e.g., a wedding). If there is doubt concerning the employee's sincerity in offering such an excuse, the burden of proof will rest with the employee.
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. *POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.*

BREACH OF CHAIN OF COMMAND PROTOCOL

Definition: This ECOC violation means bypassing established lines of authority without authorization under Board policy.

Examples: Include, but are not limited to, the following:

- Bringing a problem to a School System level Supervisor that could have been directly addressed at the building or site level or encouraging others to do so.
- Failing to follow established grievance channels
- Requesting that a higher level Supervisor overrule an operational decision by a lower level Supervisor that was within his or her scope of authority to make.

Related alignments include, but may not be limited to, the following:

Federal: 29 USC §660

State: TCA §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-501(3)(D); §49-6-1018; §49-50-1408; §50-1-310; §50-1-706; §50-2-202

Professional ethics: TCA §49-5-1002(1)

School System: ORS 1.404; 5.108; 5.200; 5.201; 5.202; 5.500; 5.501; 5.600; 5.611; 5.901; 5.1031

Association:

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: MODERATE

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

BREACH OF CHAIN OF COMMAND PROTOCOL—CONT'D.

Case Management Options: Breach of Chain of Command Protocol				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

- The Board of Education believes that differences of opinions arising in the course of employment should be resolved as quickly as possible and at the lowest supervisory level [ORS 5.501].
- In instances of questions by an individual staff member concerning the interpretation of policies and procedures to that staff member, administrative practices within his/her particular school, and relationships with other employees, the staff member concerned must consult the administrative or supervisory personnel to whom he or she is responsible [ORS 5.501].
- If a satisfactory resolution of the problem cannot be reached after ample opportunity for consideration of the matter, the staff member concerned may discuss the matter with the next level of supervision up to and including the Superintendent [ORS 5.501].

NOTE: In instances where an individual staff member feels for personal reasons that he/she cannot discuss a problem with his/her immediate superior, he/she may take the problem to the Superintendent [ORS 5.501]. Additionally, if the issue or concern involves a potential civil rights or criminal violation, authorization is granted to breach protocol and go directly to the Superintendent or his/her designee. After review of the case, the Superintendent shall take action as he or she deems appropriate and within a prompt, reasonable time shall notify all parties concerned of his decision [ORS 5.501].

- If all steps of the administrative procedure above have been pursued and there is still a desire to appeal to the Board of Education, the matter shall be referred in writing and the Board of Education shall determine whether to hear the appeal [ORS 1.404].
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. *POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.*

DISHONESTY (NON-CRIMINAL)

Definition: This ECOC violation means any lack of truthfulness or deception that is a matter of interest to the School System only.

Examples: Include, but are not limited to, the following:

- Engaging in an act of commission (e.g., the misrepresentation of facts, such as the reporting of an uncompleted task as completed).
- Engaging in an act of omission (e.g., the failure to relate all pertinent details to a Supervisor, such as giving an incomplete account of an event or incident).

Related alignments include, but may not be limited to, the following:

Federal: NONE

State: TCA §12-4-101; §49-1-607; §49-2-110; §49-2-112; §49-2-301(b)(1)(GG); §49-2-601 et seq.; §49-3-314; §49-5-201(a)(12); §49-5-501(3)(C); §49-6-2003

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(3); §49-5-1004(b)(1-4)(7)

School System: ORS 1.106; 1.108; 2.200; 2.300; 2.400; 2.401; 2.402; 2.404; 2.500; 2.700; 2.800; 2.801; 2.804; 2.809; 2.900; 3.400; 4.701; 5.200; 5.201; 5.202; 5.600; 5.601; 5.605; 5.611; 6.701

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: NO

Initial classification: MODERATE

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

DISHONESTY (NON-CRIMINAL)—CONT'D.

Case Facts	Case Management Options: Dishonesty (Non-Criminal)			
	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

- Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOC.
- Although no criminal consequences are associated with the act, any person found to have not followed security guidelines for administration of the *Tennessee Comprehensive Assessment Program (TCAP)* test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions or otherwise compromising the integrity of the testing process shall be placed on immediate Suspension, and such actions will be grounds for Dismissal, including the Dismissal of an employee with Tenure. Such actions shall be grounds for revocation of state license [TCA §49-1-607].
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

DRESS CODE VIOLATION

Definition: This ECOC violation means any deviation from the expectations for employee attire or hygiene outlined in the School System *Employee Dress Policy* (EDP).

Examples: Include, but are not limited to, the following:

- Reporting to a school in clothing that is ill-fitting or overly revealing (e.g., items that are too loose or too tight or items that are low cut, short or otherwise suggestive).
- Arriving at a job site in clothing inappropriate for the work environment (e.g., items that are soiled, unmaintained, torn, frayed or unpressed or items that do not provide adequate protection).
- Attending a work-related activity in clothing that can reasonably be expected to disrupt operations (e.g., items that display abusive, vulgar or offensive language, items that display offensive symbols, items that advertise alcohol or tobacco products, or items that promote drug use or other illegal activity).

Related alignments include, but may not be limited to, the following:

Federal: *Occupational Safety & Health Act of 1970* [OSHA; 29 USC §651 et seq.; Public Law 91-596]; 29 CFR §1910 et seq.

State: TCA §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-501(3(D)); §50-3-101 et seq.

Professional ethics: NONE

School System: ORS 3.201; 5.200; 5.201; 5.202; 5.600; 5.611

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: MINOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

DRESS CODE VIOLATION—CONT'D.

Case Management Options: Dress Code Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

- Appropriate dress at work and at School System-sponsored events not only balances between comfort, professionalism, safety and functionality, but also prevents possible distractions and/or disruptions in the work or learning environment.
- Some roles may require job-specific dress that is appropriate for the duties typically encountered during the work day (e.g., School System-issued or approved uniforms).
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. *POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.*

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (NON-CRIMINAL)

Definition: This ECOC violation means any written act of dishonesty that is a matter of interest to the School System only.

Examples: Include, but are not limited to, the following:

- Misrepresenting one's professional qualifications.
- Falsifying documentation related to the completion of in-service or continuing education credit hours.
- Making a non-disqualifying false statement on an application for employment.
- Writing a recommendation for employment, promotion, admission, or a scholarship known to contain incorrect information.
- Knowingly making a false statement within the written performance evaluation of a staff member.
- Knowingly assigning an improper grade to a student.
- Filing an inaccurate report.
- Failing to account for the receipt, deposit, or disbursement of funds in a manner required by policy.

Related alignments include, but may not be limited to, the following:

Federal: NONE

State: TCA §49-1-607; §49-2-110; §49-2-112; §49-2-301(b)(1)(GG); §49-2-601 et seq.; §49-3-314; §49-4-904 and 905; §49-5-201(a)(4), (10), (11) and (12); §49-5-406; §49-5-413; §49-5-501 (3)(C) and (8); §49-3-101 et seq.; §49-6-5001 et seq.; §49-50-1401 et seq.; §49-6-901 et seq.; §49-6-3017; §49-50-1401 et seq.; §55-50-501 et seq.

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1004(b)(2-4)

School System: ORS 2.200; 2.300; 2.400; 2.402; 2.404; 2.500; 2.700; 2.701; 2.702; 2.800; 2.801; 2.804; 2.900; 4.600; 4.701; 5.106; 5.200; 5.201; 5.202; 5.600; 5.611; 6.203; 6.600; 6.701

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: NO

Initial classification: MODERATE

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

FALSIFICATION OR FAILURE TO ACCURATELY PROVIDE INFORMATION (NON-CRIMINAL)— CONT'D.

Case Management Options: Falsification of or Failure to Accurately Provide Information (Non-criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

- Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOC.
- Although no criminal consequences are associated with the act, any person found to have not followed security guidelines for administration of the *Tennessee Comprehensive Assessment Program (TCAP)* test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions or otherwise compromising the integrity of the testing process shall be placed on immediate Suspension, and such actions will be grounds for Dismissal, including the Dismissal of an employee with Tenure. Such actions shall be grounds for revocation of state license [TCA §49-1-607].
- Although no criminal consequences are associated with the act, a falsified statement on a Sick Leave request form shall be grounds for Dismissal [ORS 5.302].
- See also *Education Department General Administrative Regulations* (EDGAR 34 CFR §74-86 and 97-99).
- See also the *TN DOE Office of Local Finance Standardized System of Accounting & Reporting* and the *TN Internal School Uniform Accounting Policy Manual*.
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES

Definition: This ECOC violation means substandard and/or inconsistent use of required skills or resources to fulfill one or more established job responsibilities.

Examples: Include, but are not limited to, the following:

- Failing to prepare for the optimal execution of job responsibilities as assigned.
- Remaining unwilling or unable to plan for the optimization of allotted time.
- Failing to plan for and provide adequate direction during an absence.
- Remaining unwilling but able to use equipment or resources appropriately.

Related alignments include, but may not be limited to, the following:

Federal: NONE

State: TCA §10-7-504; §49-1-214; §49-1-606(a) and (b); §49-2-203(a)(13); §49-2-301(b)(1)(J) and (GG); §49-2-303(b)(1) and (b)(3); §49-5-111; §49-5-201(a)(12); §49-5-401 et seq.; §49-5-501(5), (6) and (11); §49-5-504; §49-5-5201 et seq.; §49-5-5301 et seq.; §49-5-5401 et seq.; §49-5-5501 et seq.; §49-5-5601 et seq.; §49-5-5703; §49-6-3004(c)(1); TRR 0520-02-01.01 and .02

Professional ethics: TCA §49-1-302; §49-5-1003(b)(1); §49-5-1003(b)(2)

School System: ORS 1.700; 4.200; 4.702; 5.100; 5.102; 5.103; 5.106; 5.108; 5.109; 5.113; 5.1141; 5.117; 5.200; 5.201; 5.202; 5.501; 5.600; 5.603; 5.611; 5.701; 5.702; 5.801; 5.802; 5.803; 6.100; 6.413; 6.3001

Association:

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: MINOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES—CONT'D.

Case Management Options: Inadequate Preparation for Employee Job Responsibilities				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

- See also TSBE policy 3.200: Curriculum Frameworks [TCA §49-1-302(a)(8)].
- See also ORS 5.109 regarding evaluations.
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. *POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.*

INADEQUATE SUPERVISION OF STAFF

Definition: This ECOC violation means either: 1) Any neglect of assigned supervisory responsibilities; or 2) Any failure to provide proper monitoring, guidance, oversight, or direction to subordinates, substitutes, student teachers, or volunteers during the school or work day, an assigned duty, or a School System-sponsored event or activity.

Examples: Include, but are not limited to, the following:

- Failing to properly orient new employees to their work environments.
- Failing to ensure that subordinates are provided sufficient opportunities to demonstrate the skills needed to perform their job duties as required.
- Neglecting performance evaluation responsibilities.

Related alignments include, but may not be limited to, the following:

Federal: NONE

State: TCA §49-2-301(b)(1)(GG); §49-2-303(b)(1); §49-5-201(a)(3) and (12); §49-5-501(8); §49-6-3004(c)(2); TRR 0520-02-03.11

Professional ethics: TCA §49-5-1001; §49-5-1002; §49-5-1003; §49-5-1004

School System: ORS 4.200; 4.501; 4.502; 5.108; 5.109; 5.200; 5.201; 5.202; 5.600; 5.611; 5.701; 5.702; 5.704; 6.3001

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: MINOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

INAPPROPRIATE SUPERVISION OF STAFF—CONT'D.

Case Management Options: Inadequate Supervision of Staff				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

INADEQUATE SUPERVISION OF STUDENTS

Definition: This ECOC violation means either: 1) Any neglect of assigned student supervisory responsibilities; or 2) Any failure to provide proper monitoring, guidance, oversight, or direction to students before, during or after the school or work day, an assigned duty, or a School System-sponsored event/activity.

Examples: Include, but are not limited to, the following:

- Leaving students unsupervised during a school-related activity (e.g., on a field trip, during recess or while performing an assigned duty).
- Placing students in a hallway during instructional time without proper oversight.
- Engaging in actions or behaviors on assigned duty that distract from supervision responsibilities.
- Neglecting to address a *Student Code of Conduct* (SCOC) violation when required to do so by the School System.

Related alignments include, but may not be limited to, the following:

Federal: NONE

State: TCA §36-6-105; §49-2-120; §49-2-203(a)(7); §49-2-301(b)(1)(GG); §49-5-201(a)(4) and (12); §49-5-501(8); §49-6-2008; §49-6-2904; §49-6-3007; §49-6-3401; §49-6-4102; §49-6-4215; §49-5-415; §37-10-101 et seq.; §49-3-302; §49-6-801 et seq.; §49-6-4011 et seq.; §49-6-7001

Professional ethics: TCA §49-5-1003 (b)(4)

School System: ORS 1.8012; 3.401; 3.403; 4.300; 4.301; 4.302; 4.406; 4.407; 4.409; 5.200; 5.201; 5.202; 5.600; 5.602; 5.611; 6.100; 6.200; 6.208; 6.209; 6.300; 6.301; 6.306; 6.307; 6.308; 6.309; 6.310; 6.311; 6.312; 6.313; 6.315; 6.405; 6.408; 6.410; 6.413; 6.500; 6.502; 6.700; 6.701; 6.702; 6.703; 6.704; 6.705; 6.706; 6.708; 6.711; 6.712; 6.3001; 6.4081

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: MINOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

INAPPROPRIATE SUPERVISION OF STUDENTS—CONT'D.

Case Management Options: Inadequate Supervision of Students				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (NON-CRIMINAL)

Definition: This ECOC violation means any act which interferes with the personal rights of employees, students or the legitimate interests of the School System that is a matter of interest to the School System only.

Examples: Include, but are not limited to, the following:

- Engaging in conduct directed toward supervisors, employees or students that is improper for the circumstances in which it occurs.
- Engaging in discourteous, derisive or disruptive action(s) or behavior(s).
- Engaging in conduct that runs counter to either a "reasonable person standard" or community values.
- Engaging in an act of retaliation not prohibited by law.
- Failing to follow an established operational procedure.

Related alignments include, but may not be limited to, the following:

Federal: NONE

State: TCA §5-21-121; §6-36-115; §7-51-1501; §8-19-101 through 103; §12-4-106; §29-20-403; §36-6-104; §49-1-214; §49-1-302; §49-1-605; §49-1-617; §49-2-120; §49-2-203; §49-2-206; §49-2-110; §49-2-112(a); §49-2-114; §49-2-120; §49-2-301(b)(1)(L), (EE) and (GG); §49-2-303; §49-2-305; §49-2-601 et seq.; §49-3-310; §49-3-359; §49-2-601 et seq.; §49-2-301(b)(1)(D); §49-3-310; §49-4-904 through 907; §49-5-201(a)(2), (5), (7), (8), (9), (10), (11) and (12); §49-5-415; §49-5-501(3)(D) and (8); §49-5-510; §49-5-606; §49-6-801 et seq.; §49-6-901 and 902; §49-6-1001 et seq.; §49-6-2006; §49-6-2008; §49-6-2101 et seq.; §49-6-2201 et seq.; §49-6-2301 et seq.; §49-6-2901 et seq.; §49-6-3001 et seq.; §49-6-3101 et seq.; §49-6-3201 et seq.; §49-6-3301 et seq.; §49-6-3401 et seq.; §49-6-3501 et seq.; §49-6-4001 et seq.; §49-6-4101 et seq.; §49-6-4201 et seq.; §49-6-4301 et seq.; §49-6-4401 et seq.; §49-6-5001 et seq.; §49-6-5101 et seq.; §49-6-6001 et seq.; §49-6-6101 et seq.; §49-6-7001 et seq.; §49-6-8001 et seq.; §49-6-8101 et seq.; §49-6-8201 et seq.; §49-6-8301 et seq.; §49-10-103; §49-10-107; §49-10-108; §49-10-109; §49-10-1301; §49-17-101 et seq.; §49-50-201; TRR 0520-01-04.01

Professional ethics: TCA §49-3-314; §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(1)(2)(4-5)(7); §49-5-1004(b)(8); §49-6-3401 et seq.

School System: ORS 1.501; 1.502; 1.503; 1.700; 1.8011; 1.8012; 1.807; 2.200; 2.201; 2.300; 2.400; 2.401; 2.402; 2.403; 2.404; 2.500; 2.600; 2.700; 2.701; 2.702; 2.703; 2.704; 2.800; 2.801; 2.802; 2.803; 2.804; 2.805; 2.806; 2.807; 2.808; 2.809; 2.810; 2.900; 3.100; 3.200; 3.201; 3.202; 3.203; 3.205; 3.206; 3.207; 3.210; 3.211; 3.214; 3.215; 3.216; 3.217; 3.300; 3.301; 3.400; 3.401; 3.403; 3.404; 3.405; 3.601; 4.200; 4.201; 4.202; 4.206; 4.300; 4.301; 4.302; 4.303; 4.400; 4.401; 4.402; 4.403; 4.406; 4.407; 4.408; 4.501; 4.502; 4.600; 4.601; 4.603; 4.605; 4.606; 4.607; 4.700; 4.701; 4.702; 4.800; 4.801; 4.802; 4.803; 4.804; 4.805; 5.105; 5.109; 5.115; 5.200; 5.201; 5.202; 5.400; 5.401; 5.402; 5.600; 5.605; 5.606; 5.610; 5.611; 6.100; 6.200; 6.201; 6.202; 6.203; 6.204; 6.205;

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (NON-CRIMINAL)—CONT'D.

6.206; 6.207; 6.208; 6.209; 6.300; 6.301; 6.302; 6.303; 6.304; 6.305;
6.306; 6.307; 6.308; 6.309; 6.310; 6.312; 6.313; 6.314; 6.315; 6.316;
6.317; 6.318; 6.319; 6.400; 6.401; 6.402; 6.403; 6.404; 6.405; 6.406;
6.407; 6.410; 6.411; 6.412; 6.413; 6.500; 6.501; 6.502; 6.503; 6.504;
6.600; 6.601; 6.602; 6.603; 6.604; 6.700; 6.701; 6.702; 6.703; 6.704;
6.705; 6.706; 6.707; 6.708; 6.709; 6.710; 6.711; 6.712; 6.3001; 6.3071;
6.4001; 6.4081

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: NO

Initial classification: MODERATE

Case Management Options: Inappropriate, Abusive or Offensive Conduct (Non-criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

- Some acts may represent violations of civil or criminal law and are addressed elsewhere in the ECOC.
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES

Definition: This ECOC violation means any deviation from the electronic information services guidelines and procedures established in the School System's *Acceptable Use Policy* (AUP) that is a matter of interest to the School System only.

Examples: Include, but are not limited to, the following:

- Using School System technology resources excessively for personal reasons; providing authentication data to unauthorized parties (e.g., giving a student the password to a computer or program).
- Accessing unauthorized online activities or sites during the work day (e.g., using Social Media for personal reasons).
- Accessing or displaying inappropriate materials, content or information.
- Failing to monitor student use of technology or failing to limit student access to the Internet and/or World Wide Web as required.
- Compromising network security either intentionally or through neglect.
- Failing to monitor the safety and security of minor students using electronic mail, chat rooms or other forms of direct electronic communications.
- Using personal mobile phones for non-emergency purposes during active duty in the presence of students.
- Connecting personal equipment to hardware or networks owned by the School System: 1) In a manner violates the School System *Bring Your Own Device Policy* (BYOD); or 2) Without prior approval from the School System Superintendent of Technology.
- Loading unapproved software on computers owned by the School System.
- Transferring or permitting the transfer of School System software to personal computers.

Related alignments include, but may not be limited to, the following:

Federal: *Communications Act of 1934; Family Educational Rights and Privacy Act of 1974* [FERPA; 20 USC §1232g]; 20 USC §9134; *Children's Online Privacy Protection Act of 1998* [COPPA; 15 USC §6501 et seq.]; *Children's Internet Protection Act of 2000* [47 USC §254; FCC Order 03-188]

State: TCA §10-7-512; §49-1-221; §49-2-301(b)(1)(GG); §49-5-415; §49-5-201(a)(12); §49-5-501(8); §49-6-1014 through 1019

Professional ethics: TCA §49-5-1003 (b)(4)

School System: ORS 1.805; 3.300; 3.301; 4.400; 4.401; 4.402; 4.406; 4.407; 4.408; 4.409; 5.200; 5.201; 5.202; 5.600; 5.610; 5.611; 6.100; 6.704

Association: NOT APPLICABLE

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES—CONT'D.

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: MINOR

Case Management Options: Inappropriate Use of Technology Resources				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

- Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOC.
- Staff members corresponding with students by e-mail shall only use School System accounts.
- Staff members with legitimate purposes related to school activities may text or message students on personal electronic devices only if the principal or designated administrator is copied on the message.
- Employees may use personal cellular phones during the school day on a very limited basis.
- Personal cellular phones in the possession of an employee while on duty should be kept on vibrate.
- Employees should avoid using cellular phones in the presence of students unless an emergency situation exists.
- Important ECOC-related electronic communication and social networking provisions apply for School System personnel (see [Appendix 4.02](#)).
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

INSUBORDINATION

Definition: This ECOC violation means engaging in any of the following prohibited actions or behaviors:

- Refusal or continued failure: 1) To obey the school laws of Tennessee; 2) To comply with the rules and regulations of the Board of Education; or 3) To carry out specific assignments made by the Board of Education, the Superintendent or the principal, each acting within its own jurisdiction, when such rules, regulations and assignments are reasonable and not discriminatory [TCA §49-5-501(7)(A)].
- Failure to participate in an in-service program as set up by the local board of education and approved by TSBE [TCA §49-5-501(7)(B)].
- Treason or any effort to sabotage or overthrow the government of the United States [TCA §49-5-501(7)(C)].
- Refusal of a Teacher to disclose to the Board of Education whether or not such Teacher is, or has been, a member of the Communist or any other party which advocates the overthrow of the government [TCA §49-5-501(7)(D)].

Examples: Include, but are not limited to, the following:

- Refusing to comply with a legitimate directive issued by a recognized source of authority which the employee had both the knowledge of and the capacity to carry out.
- Refusing to complete a reasonably assigned task.
- Acting in opposition to or in defiance of an established authority.
- Failing or refusing to recognize or submit to an established authority to which the employee is subordinate.
- Disobeying an established authority.
- Defying an established authority.
- Being involved in a revolt against established authority.

Related alignments include, but may not be limited to, the following:

Federal:	NONE
State:	TCA §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-202; §49-5-405; §49-5-501(7)
Professional ethics:	TCA §49-5-1002(1); §49-5-1004(a)
School System:	ORS 5.200; 5.201; 5.202; 5.600; 5.611; 5.902
Association:	NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility:	BUILDING OR SITE LEVEL
Mandatory reporting:	NO
Initial classification:	MINOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

INSUBORDINATION—CONT'D.

Case Management Options: Insubordination				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

LACK OF TEAMWORK

Definition: This ECOC violation means any refusal to work with or cooperate with designated or assigned team(s) or individuals in a professional manner.

Examples: Include, but are not limited to, the following:

- Refusing to share resources as appropriate with team members.
- Failing to engage in planning activities with other team members to ensure equal access.
- Refusing to cooperate with others to share instructional strategies.
- Failing to communicate with others in advance of an absence.
- Refusing to offer or render assistance to substitutes as needed and/or when requested.
- Failing to attend a required team meeting.

Related alignments include, but may not be limited to, the following:

Federal: NONE

State: TCA §49-5-201(a)(12); §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-501(5), (6) and (8)

Professional ethics: TCA §49-5-1003 (b)(1); §49-5-1003 (b)(4); §49-5-1003 (b)(5)

School System: ORS 4.502; 4.601; 5.200; 5.201; 5.202; 5.600; 5.603; 5.611; 5.900; 6.100; 6.500

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: MINOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

LACK OF TEAMWORK—CONT'D.

Case Management Options: Lack of Teamwork				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. *POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.*

OFF-DUTY MISCONDUCT

Definition: This ECOC violation means any act occurring either off School System property or before or after the school/work day or School System - sponsored events/activities that impacts the ability of an employee to perform his or her job duties, undermines the legitimate interests of the School System or creates a disruption of School System operations that is a matter of interest to the School System only.

Examples: Include, but are not limited to, the following:

- Accepting part-time employment that creates either an actual or potential conflict of interest or a disruption for the employee.
- Selling or publishing works containing the intellectual property of the School System without prior written approval.
- Engaging in outside activities that create undue notoriety for the School System.
- Speaking on behalf of the School System without authorization.
- Misrepresenting the School System in person, in print, on a website, or by other means.
- Posting information on Social Media that disrupts, interferes with the goals of, or unduly harms the School System.

Related alignments include, but may not be limited to, the following:

Federal: NONE

State: TCA §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-407; §49-5-410; §49-5-501; §49-5-201(a)(12); §49-5-501(3)(D) and (8)

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a)

School System: ORS 1.807; 4.405; 4.406; 4.407; 5.200; 5.201; 5.202; 5.600; 5.601; 5.606; 5.607; 5.608; 5.610; 5.611

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: NO

Initial classification: MODERATE

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

OFF-DUTY MISCONDUCT—CONT'D.

Case Management Options: Off-Duty Misconduct				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

- Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOC.
- While the School System does not wish to become involved in the personal lives of employees, disciplinary action may result when a “rational nexus” can be established between any off-duty incident and the legitimate interests of the School System.
- In accordance with the School System’s *Intellectual Property Policy* (IPP): 1) Intellectual property and materials that are developed by an employee using School System materials as part of regular employment during contract hours are the properties of the School System; and 2) The Superintendent shall ensure that employment contracts reference the provisions of ORS 4.405 [ORS 4.405].
- Staff members shall use good judgment in their relationships with students beyond their work responsibilities and/or outside the school setting and shall avoid excessive informal and social involvement with individual students [SCDE 5.610]. Any appearance of impropriety shall be avoided [SCDE 5.610].
- Important ECOC-related electronic communication and social networking provisions apply for School System personnel (see [Appendix 4.02](#)).
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

TOBACCO POLICY VIOLATION

Definition: This ECOC violation means any act which violates the Tobacco-Free Schools policy of the School System.

Examples: Include, but are not limited to, the following:

- Using smokeless tobacco, tobacco substitutes, cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, electronic cigarettes (“eCigarettes”), vapor cigarettes or other lighted smoking devices in a school building.
- Using such products in any public seating areas, including, but not limited to, bleachers used for sporting events or public restrooms.
- Using such products in any vehicle owned, leased, or operated by the School System.
- Using such products while participating in any class or activity in which the employee represents the School System.

Related alignments include, but may not be limited to, the following:

Federal: *Pro-Children Act of 1994* [20 USC §6081; Public Law 103-227] and *2001* [20 USC §7181; Public Law 107-110]; 20 USC §7161; 20 USC §7184

State: TCA §39-17-1501 et seq.; *Children’s Act for Clean Indoor Air* [§39-17-1601 et seq.]; §39-17-1801 et seq.; §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-501(3)(D)

Professional ethics: TCA §49-5-1003(b)(4)

School System: ORS 1.803; 3.206; 5.200; 5.201; 5.202; 5.600; 5.611

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: MINOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

TOBACCO POLICY VIOLATION—CONT'D.

Case Management Options: Tobacco Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

- Smoking is not permitted, and no person shall smoke, on school grounds; provided, that after regular school hours, adults are allowed to smoke on the property surrounding the institution, but not blocking any entrance to any building [TCA §39-17-1604(10)]. The property shall not include any public seating areas, including, but not limited to, bleachers used for sporting events, or public restrooms [TCA §39-17-1604(10); ORS 1.803].
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. *POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.*

OTHER POLICY VIOLATION

Definition: This ECOC violation means any other incident involving a failure to adhere to a policy, rule, or procedure of the school or School System not specified elsewhere in this section of the ECOC that is a matter of interest to the School System only.

Examples: Include, but are not limited to, the following:

- Engaging in an action or behavior that violates a Board of Education policy or an established administrative procedure.
- Engaging in an action or behavior that violates a regulatory directive of the Superintendent or his/her designee of which the employee has been made duly aware.

Related alignments include, but may not be limited to, the following:

Federal: Includes any federal level regulations not otherwise specified

State: Includes any state level regulations not otherwise specified

Professional ethics: VARIABLE

School System: Includes ORS 5.200, 5.201, 5.202, 5.60, 5.611 and all School System level regulations not otherwise specified

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: MINOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.

OTHER POLICY VIOLATION—CONT'D.

Case Management Options: Other Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

- Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOC.
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE

The following actions and/or behaviors represent grounds for employee discipline within the School System based on violations of policy that may also involve violations of federal, state or local civil statute:

BREACH OF CONFIDENTIALITY

Definition: This ECOC violation means the inappropriate access, use, disclosure, misuse, failure to protect or disposition of private, confidential, restricted, secure or proprietary information, data or records that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Compromising financial, payroll, personnel, student, or health records.
- Disclosing identifiable educational data or other information under FERPA, IDEA or HIPAA in an improper manner.
- Accessing or using information contained within an Individualized Education Plan (IEP), Section 504 Plan, ADA Plan or other confidential record without a “need to know”.
- Disclosing potentially sensitive School System operational information without proper authorization.
- Assisting an unauthorized user to gain access of secure information.
- Leaving confidential information unattended in a non-secure area.
- Removing sensitive data from the School System either physically or electronically regardless of purpose or stated intent.
- Disposing of protected information in a manner contrary to established routine or Board policy.
- Disclosing *Personally Identifiable Information* (PII) about a student on Social Media.

Related alignments include, but may not be limited to, the following:

Federal: Section 504 of the *Rehabilitation Act of 1973*; *Family Education Rights Privacy Act of 1974* [FERPA; 20 USC §1232g; 34 CFR §99 et seq.]; *Protection of Pupil Rights Act of 1998* [PPRA; 20 USC §1232h]; *Individuals with Disabilities Education Act of 1997 and 2004* [IDEA; 20 USC §1400 et seq.; 34 CFR §300.1 et seq.; Public Law 94-142]; *Health Insurance Portability and Accountability Act of 1996* [HIPAA; 45 CFR §160 and §164]; *Healthy, Hunger-Free Kids Act of 2010* [Reauthorization of the Child Nutrition Act of 1966; Public Law 111-296]; 20 USC §1232f and h (b); 20 USC §6311et seq.; 20 USC §7908; 42 USC §13942; *Children’s Internet Protection Act of 2000* [47 USC §254; FCC Order 03-188]

State: TCA §10-7-501 et seq.; §33-3-103; §33-10-408; §36-3-623; §36-6-101 et seq.; §49-6-902; §37-1-403; §37-1-605; §37-1-612; §37-5-107; §40-38-111; §49-2-124; §49-1-302; §49-2-211; §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-404; §49-5-415; §49-5-501(3)(D), (5) and (8); §49-5-608(c); §49-6-303; §49-6-406; §49-6-902; §49-6-1601; §49-6-2301 et seq.; §49-6-3051; §49-6-3109; §49-6-3114; §49-6-5001 et seq.; §49-6-5101 et seq.; §49-10-101 et seq.; §50-6-131; §68-10-113

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE—CONT'D.

BREACH OF CONFIDENTIALITY—CONT'D.

Professional ethics: TCA §49-5-1003 (b)(8); §49-5-1004 (b)(6)

School System: ORS 1.502; 1.503; 1.802; 1.808; 2.802; 2.803; 2.806; 3.100; 3.600; 3.602; 4.202; 4.205; 4.206; 4.301; 4.406; 4.407; 4.502; 4.601; 4.606; 4.607; 4.700; 5.114; 5.200; 5.201; 5.202; 5.400; 5.401; 5.402; 5.403; 5.500; 5.501; 5.600; 5.611; 5.1141; 6.100; 6.203; 6.209; 6.300; 6.301; 6.304; 6.305; 6.307; 6.309; 6.313; 6.316; 6.400; 6.401; 6.402; 6.403; 6.404; 6.405; 6.406; 6.407; 6.411; 6.412; 6.500; 6.501; 6.503; 6.504; 6.600; 6.601; 6.602; 6.603; 6.604; 6.3071; 6.4001

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: MAJOR

Case Management Options: Breach of Confidentiality				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

- All incidents potentially involving this ECOC violation must be reported to HR.
- The lack of an actionable civil complaint or outside agency interest is not a factor for establishing or verifying this ECOC violation.
- In accordance with IDEA Part B, all persons collecting or using PII must receive training or instruction regarding state confidentiality policies and procedures under IDEA Part B and FERPA. Additionally, the School System must maintain, for public inspection, a current listing of the names and positions of employees who may have access to PII [34 CFR §300.623].
- Important ECOC-related electronic communication and social networking provisions apply for School System personnel (see [Appendix 4.02](#)).
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE—CONT'D.

DISCRIMINATION

Definition: This ECOC violation means the prejudicial treatment of an individual or a group differently than others based on perceived categories such as race, creed, color, gender, religion, age, national origin, disability, veteran status, military status, citizenship status, gender identity, or other basis in federal law, state statute or Board policy that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Making comments referencing race or national origin.
- Seeking termination of an employee based solely on his or her age.
- Excluding student subgroups from opportunities available to other students.
- Condoning the race-based intimidation of a student either explicitly or implicitly.
- Harassing co-workers who practice a common faith.
- Denying a promotion opportunity to a subordinate on the basis of his or her disability.
- Disparaging a student based on his or her real or perceived sexual orientation.

Related alignments include, but may not be limited to, the following:

Federal: Amendment XIV, U.S. Constitution; *Equal Pay Act of 1963* [29 USC §206(d)]; Title VI of the *Civil Rights Act of 1964* [42 USC §2000d; Public Law 88-352]; Title VII of the Equal Employment Opportunity Act of 1964 [42 USC §2000e et seq.; 29 CFR §1604 to §1606]; *Age Discrimination in Employment Act of 1967* [ADEA; 29 USC §1621; 29 CFR §1625]; Title IX of the *Education Amendments of 1972* [20 USC §1681 et seq.]; Sections 501 through 505 of the *Rehabilitation Act of 1973* [29 USC §720 et seq.; Public Law 93-112]; *Pregnancy Discrimination Act of 1978* [Public Law 95-555]; *Immigration Reform and Control Act of 1986* [IRCA; 8 USC §1324(a) et seq.; Public Law 99-603]; *McKinney-Vento Homeless Assistance Act of 1987* [42 USC §11301 et seq.; Public Law 100-77]; *Americans with Disabilities Act of 1990* [ADA; 42 USC §12101 et seq.]; *Individuals with Disabilities Education Act of 1997 and 2004* [IDEA; 20 USC §1400 et seq.; 34 CFR §300.1 et seq.; Public Law 94-142]; *Genetic Information Nondiscrimination Act of 2008* [GINA; 42 USC §2000ff et seq.; 29 CFR §1635 et seq.]; 20 USC §1684; 20 USC §1703; 20 USC §4071; 20 USC §6301 et seq.; 28 CFR §35.101 et seq.; 29 CFR §1600.101 et seq.; 34 CFR §100.1 et seq.; 34 CFR §200.1 et seq.

State: TCA §37-5-116; §49-2-114; §49-2-120; §49-2-203(b)(4); §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-404; §49-5-409(c); §49-5-501(3)(A) and (D); §49-5-511(b)(1) and (4); §49-5-606; §49-6-1008; §49-6-1014 through 1019; §49-6-2302 and 2303; §49-6-2901 et seq.; §49-6-3001; §49-6-3016; §49-6-3102(b); §49-6-3109; §49-6-4014; §49-6-5001; §49-6-8001 et seq.; §49-10-101 et seq.; §50-2-201 et seq.

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(6); §49-5-1004

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE—CONT'D.

DISCRIMINATION—CONT'D.

(b)(7)

School System: ORS 1.802; 3.206; 4.201; 4.202; 4.206; 4.207; 4.300; 4.301; 4.400; 4.401; 4.402; 4.406; 4.502; 4.603; 4.606; 4.607; 4.802; 4.803; 4.804; 5.104; 5.105; 5.200; 5.201; 5.202; 5.401; 5.402; 5.500; 5.501; 5.600; 5.610; 5.611; 6.100; 6.204; 6.300; 6.301; 6.304; 6.305; 6.306; 6.307; 6.309; 6.313; 6.316; 6.404; 6.500; 6.501; 6.502; 6.503; 6.504; 6.601; 6.709

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: MAJOR

Case Management Options: Discrimination				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

- All incidents alleging discrimination will be reported using the required forms.
- Such cases will be investigated and resolved by the designated complaint manager in accordance with the provisions of ORS 1.802, 5.500, 5.501, 6.304, 6.305, or other pertinent Board policy.
- The lack of an actionable civil complaint or outside agency interest is not a factor for establishing or verifying this ECOC violation.
- Evidence of intentionality is not a required factor for verifying this ECOC violation.
- Evidence of an actual detriment to the affected individual or group is not a required factor for verifying this ECOC violation.
- Important ECOC-related electronic communication and social networking provisions apply for School System personnel (see [Appendix 4.02](#)).
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE—CONT'D.

SEXUAL HARASSMENT

Definition: This ECOC violation means any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that may be a matter of interest to an outside agency when: 1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or educational development; 2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment or education decisions affecting such individual or 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive environment [29 CFR §1604.11(a)].

Examples: Include, but are not limited to, the following:

- Engaging in prohibited physical actions or behaviors (e.g., unwelcome sexual advances; touching; indecent exposure; or sexual contact).
- Engaging in prohibited verbal actions or behaviors (e.g., unwelcome requests for sexual favors; propositions or pressure for sexual activity; continued suggestions for a date or social activity outside the workplace after it has been made clear that such suggestions are unwelcome; unwanted or offensive flirtations; offensive jokes; suggestive remarks; sexual innuendos or double entendres; lewd comments; inquiring about someone's sexual preferences, fantasies or activities; and sexually harassing communications).
- Engaging in prohibited non-verbal actions or behaviors (e.g., the display of pornographic or sexually suggestive images, objects, written materials, emails, text-messages or faxes; leering; whistling, or sexually suggestive gestures, movements, or facial expressions).
- Engaging in prohibited gender-specific actions or behaviors (e.g., conduct that denigrates, ridicules, or intimidates another person; conduct that leads to physical abuse of a person because of his or her sex; or derogatory/degrading remarks or insults about a person's gender or body).
- Engaging in prohibited job-specific actions or behaviors (e.g., explicit or implicit pressure for sexual activity as a condition of hire, continued employment, or potential for advancement).

Related alignments include, but may not be limited to, the following:

Federal: Title VI of the *Civil Rights Act of 1964* [42 USC §2000d]; Title VII of the Equal Employment Opportunity Act of 1964 [42 USC §2000e et seq.]; Title IX of the *Education Amendments of 1972* [20 USC §1681 et seq.]; 29 CFR §1604.1 et seq.

State: TCA §4-3-124; §4-3-1416; §49-2-120; §49-5-201(a)(12); §49-2-301(b)(1)(GG); §49-5-501(3)(A) and (D); §49-6-3109; §49-6-1014 through 1019

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE—CONT'D.

SEXUAL HARASSMENT—CONT'D.

- Professional ethics:** TCA §49-5-1002(1); §49-5-1004(a); §49-5-1004(b)(7)
- School System:** ORS 4.301; 4.406; 4.607; 5.200; 5.201; 5.202; 5.500; 5.501; 5.600; 5.611; 6.100; 6.304; 6.305; 6.601
- Association:** NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

- Initial responsibility:** SCHOOL SYSTEM LEVEL
- Mandatory reporting:** YES
- Initial classification:** MODERATE

Case Management Options: Sexual Harassment				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

- All incidents alleging harassment will be reported using the required forms.
- Such cases will be investigated and resolved by the designated complaint manager in accordance with the provisions of ORS 1.802, 5.500, 5.501, 6.304, 6.305, or other pertinent Board policy.
- The lack of an actionable civil complaint or outside agency interest is not a factor for establishing or verifying this ECOC violation.
- Evidence of intentionality is not a required factor for verifying this ECOC violation.
- Evidence of an actual detriment to the affected individual or group is not a required factor for verifying this ECOC violation.
- Important ECOC-related electronic communication and social networking provisions apply for School System personnel (see [Appendix 4.02](#)).
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE—CONT'D.

OTHER CIVIL VIOLATION

Definition: This ECOC violation means any incident which negatively impact(s) the work environment, a learning environment or the rights of one or more students, staff members or others not specified elsewhere in this section of the ECOC that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Creating or contributing to a hostile work environment.
- Bullying, harassing, or intimidating staff, subordinates, or others at work or on Social Media.
- Engaging in harassing, intimidating or bullying acts that substantially interfere with a student's educational benefits, opportunities or performance, that takes place on school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, that have the effect of: 1) Physically harming a student or damaging a student's property; 2) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or 3) Creating a hostile educational environment [TCA §49-6-1015].
- Failing to address student-to-student harassment, intimidation, or bullying situations.
- Engaging in an act of retaliation prohibited under federal, state or local civil statute.
- Disregarding established student search procedures.
- Violating a copyright.
- Violating a software *End-User License Agreement* (EULA).
- Engaging in an act of software piracy.
- Taking action that endangers students, staff, or the interests of the School System,
- Failing to take reasonable action to protect students, staff or the interests of the School System.

Related alignments include, but may not be limited to, the following:

Federal: Includes Amendments I, IV, V, VI of the U.S. Constitution and all federal level civil issues not otherwise specified

State: Includes TCA §4-5-401 et seq., §40-38-111, §49-1-302(d), §49-5-701 et seq., §49-6-1015, §49-6-3401 et seq., TRR 0520-02-01.01(4) and all state level civil issues not otherwise specified

Professional ethics: VARIABLE

School System: Includes ORS 1.501, 1.8012, 2.802, 2.803, 2.808, 3.201, 3.202, 3.203, 3.205, 3.206, 3.207, 3.215, 3.216, 3.400, 3.401, 3.403, 3.404, 3.405, 3.600, 3.601, 3.602, 4.202, 4.206, 4.300, 4.301, 4.302, 4.400, 4.401, 4.402, 4.404, 4.405, 4.406, 4.407, 4.409, 4.501, 4.606, 4.607, 4.800, 4.801, 4.802, 4.805, 5.110, 5.111, 5.112, 5.115, 5.200, 5.201, 5.202, 5.300, 5.301, 5.302, 5.303, 5.304, 5.305, 5.306, 5.309, 5.400, 5.403, 5.500, 5.501, 5.600, 5.602, 5.606, 5.610, 5.611, 5.1031, 6.100, 6.201,

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE—CONT'D.

OTHER CIVIL VIOLATION—CONT'D.

6.202, 6.208, 6.209, 6.300, 6.301, 6.302, 6.303, 6.304, 6.305, 6.306, 6.307, 6.309, 6.310, 6.312, 6.313, 6.314, 6.316, 6.317, 6.318, 6.319, 6.401, 6.402, 6.403, 6.404, 6.405, 6.407, 6.408, 6.410, 6.412, 6.413, 6.500, 6.501, 6.503, 6.504, 6.601, 6.602, 6.603, 6.701, 6.702, 6.704, 6.707, 6.708, 6.709, 6.711, 6.712, 6.3001, 6.3071, 6.4081 and all School System level civil violations not otherwise specified

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: MODERATE

Case Management Options: Other Civil Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

- All incidents alleging harassment or other civil rights violation(s) will be reported using the required forms.
- Such cases will be investigated and resolved by the designated complaint manager in accordance with the provisions of ORS 1.802, 5.500, 5.501, 6.304, 6.305, or other pertinent Board policy.
- The lack of an actionable civil complaint or outside agency interest is not a factor for establishing or verifying this ECOC violation.
- Evidence of intentionality is not a required factor for verifying this ECOC violation.
- Evidence of an actual detriment to the affected individual or group is not a required factor for verifying this ECOC violation.
- Neither the Board of Education nor the administration shall take reprisal against a Professional Employee because of his or her participation in a Grievance.
- Important ECOC-related electronic communication and social networking provisions apply for School System personnel (see [Appendix 4.02](#)).
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW

The following actions and/or behaviors represent grounds for employee discipline within the School System based on violations of policy that may also involve violations of federal, state or local criminal law:

ALCOHOL OR DRUG POLICY VIOLATION

Definition: This ECOC violation means any act which violates the School System's controlled substance or alcohol policies that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Selling, purchasing, distributing, furnishing, or possessing any naturally occurring or manufactured compound on the United States Drug Enforcement Agency's (DEA) schedule of regulated substances with effects on mood, perception or behavior, either without a legitimate prescription or for which no prescription may be legally written.
- Possessing accessories, paraphernalia, chemical precursors, or equipment associated with controlled substances.
- Selling, purchasing, distributing, furnishing or possessing an alcoholic beverage on School System property or at a School System-sponsored event or activity.
- Being under the influence of alcohol, a controlled substance, or other intoxicant while on the job or at a School System-sponsored event or activity.

Related alignments include, but may not be limited to, the following:

Federal: *Drug Free Workplace Act of 1988* [Public Law 100-690; 41 USC §701 et seq.; CFR §84.100 et seq.]; *Omnibus Transportation Employee Testing Act of 1991* [49 USC §31306 and §53331]; 20 USC §7101 et seq.; 18 USC §341 et seq.; 21 USC §812; 42 USC §12644; 49 USC §2717; 21 CFR §1308.01 et seq.; 34 CFR §86.1 et seq.; 49 CFR §40.1 et seq.; 49 CFR §382.01 et seq.

State: *Tennessee Drug Control Act of 1989* [TCA §39-17-401 et seq.]; TCA §39-17-310; §39-17-715; §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-406; §49-5-501(3)(A), (D) and (E); §49-6-2107; §49-6-2108; §49-6-2110; §49-6-2117; §50-9-101 et seq.

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(4)

School System: ORS 1.804; 3.206; 3.405; 5.106; 5.108; 5.200; 5.201; 5.202; 5.403; 5.600; 5.611; 5.701; 5.702; 5.802; 6.100

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: VARIABLE

Initial classification: MAJOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

ALCOHOL OR DRUG POLICY VIOLATION—CONT'D.

Case Management Options: Alcohol or Drug Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

- Some examples of this ECOC violation may be incompatible with initial or continued employment by the School System. For management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- An employee shall report being charged with any criminal offense to his or her immediate Supervisor within 72 (seventy-two) hours of the (alleged) offense [ORS 5.108]. The Supervisor must report the (alleged) offense to the Superintendent immediately, and the Superintendent must report the (alleged) offense to the Board as soon as practical [ORS 5.108].
- Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or TDE/TSBE) where mandated.
- As a condition of employment, each employee shall notify his/her Supervisor of his/her conviction on any criminal drug statute for violation occurring in the Workplace no later than 5 (five) days after conviction.
- Any employee who violates the terms of ORS 1.804 shall be suspended and shall be subject to Dismissal and referral for prosecution [ORS 1.804].
- The Superintendent shall be responsible for providing a copy of ORS 1.804 to all employees [ORS 1.804].
- Important ECOC-related testing provisions apply for School System personnel (see [Appendix 4.03](#)).
- For additional information, examples, or *Employee Assistance Program* (EAP) information, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

COMMISSION OF A SEX OFFENSE

Definition: This ECOC violation means any act which violates the School System's professional or non-professional relationship policies that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Engaging in an inappropriate relationship with a student or other minor.
- Touching a staff member, student or other person in a sexually inappropriate manner.
- Engaging in sexual conduct with a minor student or other minor regardless of location or consent.
- Accessing, possessing or distributing child pornography.
- Committing another act of sexual misconduct prohibited under federal, state, or local law.

Related alignments include, but may not be limited to, the following:

Federal: *Adam Walsh Child Protection and Safety Act of 2006* [AWA; 42 USC §16902; Public Law 109-248]; *Sex Offender Registration and Notification Act* [SORNA; 42 USC §16911 et seq.; 18 USC §2241 et seq.; 18 USC §2250 et seq.; 18 USC §2421

State: TCA §39-13-501 et seq.; §39-17-1001 et seq.; §40-35-501(i)(2); §40-39-201 et seq.; §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-406; §49-5-501(3)(A), (B) and (D)

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(4)(7)

School System: ORS 1.808; 4.406; 5.106; 5.108; 5.200; 5.201; 5.202; 5.600; 5.610; 5.611; 5.701; 5.702; 5.802; 6.100

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: DISQUALIFYING

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

COMMISSION OF A SEX OFFENSE—CONT'D.

Case Management Options: Commission of a Sex Offense				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Dismissal	Not Applicable	Not Applicable	Not Applicable
Relatively Equal	Dismissal	Not Applicable	Not Applicable	Not Applicable
Mostly Aggravating	Dismissal	Not Applicable	Not Applicable	Not Applicable

Commentary:

- Most examples of this ECOC violation may be incompatible with initial or continued employment by the School System. For management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- An employee shall report being charged with any criminal offense to his or her immediate Supervisor within 72 (seventy-two) hours of the (alleged) offense [ORS 5.108]. The Supervisor must report the (alleged) offense to the Superintendent immediately, and the Superintendent must report the (alleged) offense to the Board as soon as practical [ORS 5.108].
- An employee must notify the Superintendent within 24 (twenty-four) hours if he or she has been named as an indicated perpetrator of child abuse [ORD 5.108].
- Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or TDE/TSBE) where mandated.
- Sexual relationships between employees and students shall be prohibited [SCDE 5.610].
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

DISHONESTY (CRIMINAL)

Definition: This ECOC violation means any lack of truthfulness or deception that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Engaging in an act of commission (e.g., the criminal misrepresentation of facts, such as initiating a false complaint alleging criminal activity or making false statements to law enforcement during the course of an investigation).
- Engaging in an act of omission (e.g., the failure to file a report required by law, such as neglecting mandatory reporting responsibilities regarding suspected child abuse, or the failure to relate all pertinent details to an investigator, such as withholding knowledge the existence of contradictory evidence).

Related alignments include, but may not be limited to, the following:

Federal: 18 USC §201 et seq.; 18 USC §663; 18 USC §911; 18 USC §1001 et seq.; 18 USC §1169; 18 USC §1621 et seq.; 18 USC §2258; 18 USC §3600a; 42 USC §5119; 42 USC §13031; 42 USC §16990

State: TCA §5-1-125; §5-14-114; §8-50-501; §37-1-401 et seq.; §37-1-605; §39-15-401 through 402; §39-16-101 et seq.; §39-16-404; §39-16-701 et seq.; §40-39-211; §49-2-301(b)(1)(GG) and (c); §49-3-314; §49-5-201(a)(12); §49-5-406; §49-5-501(3)(A) through (D)

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(3); §49-5-1004(b)(1-4)(7)

School System: ORS 1.106; 1.501; 1.808; 2.200; 2.300; 2.400; 2.402; 2.404; 2.500; 2.700; 2.800; 2.801; 2.804; 2.900; 5.106; 5.108; 5.200; 5.201; 5.202; 5.600; 5.601; 5.611; 5.701; 5.702; 6.100; 6.409; 6.701

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: MAJOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

DISHONESTY (CRIMINAL)—CONT'D.

Case Management Options: Dishonesty (Criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

- An employee shall report being charged with any criminal offense to his or her immediate Supervisor within 72 (seventy-two) hours of the (alleged) offense [ORS 5.108]. The Supervisor must report the (alleged) offense to the Superintendent immediately, and the Superintendent must report the (alleged) offense to the Board as soon as practical [ORS 5.108].
- Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or TDE/TSBE) where mandated.
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL)

Definition: This ECOC violation means any written act of dishonesty that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Submitting a signed testimony known to contain false information.
- Filing a report required by federal, state or local authorities containing information known to be missing, incomplete or incorrect.
- Altering official applications or records after their submittal.
- Presenting forged credentials relating to eligibility for initial or continued employment.
- Making a false disqualifying statement on a fingerprint clearance card.
- Accounting for the receipt, deposit or disbursement of funds in a manner prohibited by law.

Related alignments include, but may not be limited to, the following:

Federal: 18 USC §285 et seq.; 18 USC §470 et seq.; 18 USC §1001 et seq.; 18 USC §1341; 18 USC §1426

State: TCA §39-14-114; §39-14-136; §39-16-501 through 504; §39-17-112; §49-2-301(b)(1)(GG); §49-3-314; §49-5-201(a)(12); §49-5-406; §49-5-413; §49-5-501(3)(A), (B) and (D); §49-5-403; §49-50-1401 et seq.

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1004(b)(2-4)

School System: ORS 2.200; 2.300; 2.400; 2.402; 2.404; 2.500; 2.700; 2.701; 2.800; 2.801; 2.804; 2.900; 5.106; 5.108; 5.200; 5.201; 5.202; 5.600; 5.611; 5.701; 5.702; 5.802; 6.100; 6.701

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: MAJOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL)— CONT'D.

Case Management Options: Falsification of or Failure to Accurately Provide Information (Criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

- An employee shall report being charged with any criminal offense to his or her immediate Supervisor within 72 (seventy-two) hours of the (alleged) offense [ORS 5.108]. The Supervisor must report the (alleged) offense to the Superintendent immediately, and the Superintendent must report the (alleged) offense to the Board as soon as practical [ORS 5.108].
- Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or TDE/TSBE) where mandated.
- See also *Education Department General Administrative Regulations* (EDGAR 34 CFR §74-86 and 97-99).
- See also the *TN DOE Office of Local Finance Standardized System of Accounting & Reporting* and the *TN Internal School Uniform Accounting Policy Manual*.
- For additional information and/or examples, consult your direct Supervisor or HR..

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (CRIMINAL)

Definition: This ECOC violation means any act which interferes with the personal rights of staff, students, others or the legitimate interests of the School System that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Committing workplace violence.
- Causing injury or endangering a person directly or through Neglect of Duty.
- Assaulting or battering a person.
- Injuring, threatening, or coercing a person, or damaging property, in an act of criminal harassment or civil rights intimidation [TCA §39-17-309].
- Stalking a person.
- Committing an act of indecent exposure.
- Engaging in an act of retaliation prohibited under federal, state or local criminal law.

Related alignments include, but may not be limited to, the following:

Federal: 18 USC §111 et seq.; 18 USC §241 et seq.; 18 USC §871 et seq.; 18 USC §2231 et seq.; 18 USC §2261 et seq.

State: TCA §20-14-101 et seq.; §29-20-310(e); §39-13-101 et seq.; §39-13-511; §39-16-403; §39-17-308 through 309; §39-17-314 through 317; §49-2-301(b)(1)(GG); §49-5-201(a)(12) and (b); §49-5-406; §49-5-501(3)(A) through (D); §49-5-606; §49-6-1014 through 1019; §49-6-2008; §49-6-2113; §49-6-3051; §49-6-4105

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(1)(2)(4-5)(7); §49-5-1004(b)(8)

School System: ORS 4.406; 5.106; 5.108; 5.200; 5.201; 5.202; 5.500; 5.501; 5.600; 5.611; 5.701; 5.702; 5.802; 6.100; 6.304; 6.305; 6.314; 6.601; 6.701; 6.3001; 6.4081

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: MAJOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (CRIMINAL)—CONT'D.

Case Management Options: Inappropriate, Abusive or Offensive Conduct (Criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

- Some examples of this ECOC violation may be incompatible with initial or continued employment by the School System. For management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- An employee shall report being charged with any criminal offense to his or her immediate Supervisor within 72 (seventy-two) hours of the (alleged) offense [ORS 5.108]. The Supervisor must report the (alleged) offense to the Superintendent immediately, and the Superintendent must report the (alleged) offense to the Board as soon as practical [ORS 5.108].
- An employee must notify the Superintendent within 24 (twenty-four) hours if he or she has been named as an indicated perpetrator of child abuse [ORD 5.108].
- Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or TDE/TSBE) where mandated.
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

THEFT, ABUSE, OR UNAUTHORIZED USE OF PROPERTY

Definition: This ECOC violation means any act which constitutes the stealing, wrongful appropriation, improper diversion, destruction or misuse of property belonging to the School System, staff, students or others that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Stealing funds from a petty cash account.
- Misappropriating materials rightly owned by another party.
- Diverting School System technology or other assets for personal use.
- Destroying School System property in an act of vandalism.
- Misusing a vehicle owned by the School System.
- Using School System-owned equipment after hours without proper authorization or approval.
- Including personal expenses on an expense report.

Related alignments include, but may not be limited to, the following:

Federal: 18 USC §641 et seq.; 18 USC §2311 et seq.

State: TCA §12-2-401 et seq.; §39-14-101 through 110; §39-14-114 through 154; §39-14-408; *Tennessee Personal and Commercial Computer Act or 2003* [§39-14-601 et seq.]; §49-2-301(b)(1)(GG); §49-3-314; §49-5-201(a)(12); §49-5-406; §49-5-501(3)(A), (B) and (D); §49-2-203(b)(4); §49-50-1408; §49-6-2006

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a)

School System: ORS 2.400; 2.402; 2.403; 2.404; 2.500; 2.600; 2.700; 2.702; 2.800; 2.801; 2.804; 2.900; 3.205; 3.300; 3.301; 3.400; 5.106; 5.108; 5.200; 5.201; 5.202; 5.600; 5.611; 5.701; 5.702; 6.100; 6.701

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: MAJOR

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

THEFT, ABUSE OR UNAUTHORIZED USE OF PROPERTY—CONT'D.

Case Management Options: Theft, Abuse or Unauthorized Use of Property				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

- An employee shall report being charged with any criminal offense to his or her immediate Supervisor within 72 (seventy-two) hours of the (alleged) offense [ORS 5.108]. The Supervisor must report the (alleged) offense to the Superintendent immediately, and the Superintendent must report the (alleged) offense to the Board as soon as practical [ORS 5.108].
- Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or TDE/TSBE) where mandated.
- See also *Education Department General Administrative Regulations* (EDGAR 34 CFR §74-86 and 97-99).
- See also the *TN DOE Office of Local Finance Standardized System of Accounting & Reporting* and the *TN Internal School Uniform Accounting Policy Manual*.
- Important ECOC-related electronic communication and social networking provisions apply for School System personnel (see [Appendix 4.02](#)).
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D.

POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

WEAPONS POLICY VIOLATION

Definition: This ECOC violation means any act which violates the School System's weapons policies that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- **Dangerous Weapon.** In accordance with TCA §49-6-4202(1), a dangerous weapon is any instrument or substance that is capable of inflicting any injury on any person. As such, possessing, transporting, receiving, exchanging, selling, transferring, distributing, exhibiting or using any of the following is prohibited:
 - Ammunition for a firearm (e.g., a bullet, shotgun shell or other round).
 - Sporting or recreational equipment without authorization (e.g., a BB gun, Air Soft gun, paintball gun, pellet gun, flare gun, starter gun, slingshot, bow or crossbow).
 - Fireworks or other flammable items (e.g., sparklers, "pop bottle" rockets or Black Cats®).
 - Combustibles (e.g., road flares or flammable liquids).
 - Objects which emit noxious gases (e.g., tear gas, a smoke bomb or stink bomb).
 - Electrically charged stun devices (e.g., a Taser®).
 - Defensive repellants (e.g., mace, "pepper spray", other a similar chemical spray).
 - Office implements (e.g., a letter opener or a pen).
- **Deadly Weapon.** In accordance with TCA §39-11-106(5), a deadly weapon is 1) A firearm or anything manifestly designed, made or adapted for the purpose of inflicting death or serious bodily injury; or 2) Anything that in the manner of its use or intended use is capable of causing death or serious bodily injury. As such, the following are prohibited:
 - Possessing or carrying any weapon designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use [TCA §39-11-106(11)] not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used or operated by the Board of Education, whether openly or concealed, with or without the intent to go armed [TCA §39-17-1309(b) and TCA §39-17-1309(c)] and whether loaded or unloaded (i.e., without ammunition in the chamber, cylinder, clip or magazine, and no clip or magazine is in the immediate vicinity) [TCA §39-17-1301(18)], like:
 - A handgun (i.e., any firearm with a barrel length of less than twelve inches that is designed, made or adapted to be fired with one hand [TCA §39-11-106(16)]).
 - A rifle (i.e., any firearm designed, made or adapted to be

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4.0 ECOC VIOLATIONS—CONT'D.

POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

WEAPONS POLICY VIOLATION—CONT'D.

- fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger) [TCA §39-17-1301(14) and §39-17-1309(b)(1)].
- A shotgun (i.e., any firearm designed, made or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire through a smooth-bore barrel either a number of ball shot or a single projectile by a single function of the trigger) [TCA §39-17-1301(16) and §39-17-1309(b)(1)].
 - A machine gun (i.e., any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger) [TCA §39-17-1301(11) and §39-17-1309(b)(1)].
 - Components of these weapons (e.g., a stock, barrel, frame or receiver).
 - Certain accessories for these weapons (e.g., a silencer made or adapted to muffle the report of a firearm) [TCA §39-17-1301(5) and §39-17-1309(b)(1)].
 - Items represented as such weapons (e.g. a concealed object shaped like a gun or referred to as a gun, or an object such as a stick concealed under clothing being portrayed as a firearm).
 - Simulations, imitations or facsimiles of such weapons (i.e., any object or device substantially similar in coloration and overall appearance to a firearm, as defined in TCA §39-11-106(a), as to lead a reasonable person to perceive that the object or device is a firearm) [TCA §39-17-1362 (a)(1) and §39-17-1362].
- Possessing or carrying any explosive or explosive weapon (i.e., containing any explosive, incendiary or poisonous gas), like:
 - A bomb, grenade, rocket or mine [TCA §39-17-1301(4) and §39-17-1309(b)(1)].
 - A shell, missile or projectile that is designed, made or adapted for the purpose of inflicting serious bodily injury, death or substantial property damage [TCA §39-17-1301(4) and §39-17-1309(b)(1)].
 - Any sealed device containing dry ice or other chemically reactive substances for the purposes of causing an explosion by a chemical reaction [TCA §39-17-1301(4)].
 - A "hoax device" (i.e., any device that reasonably appears to be or is purported to be an explosive or incendiary device and is intended to cause alarm or reaction of any type by an official of a public safety agency or a volunteer agency organized to deal with emergencies) [TCA §39-17-1301(4)].
 - A commercial explosive (e.g., dynamite, blasting caps or

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

WEAPONS POLICY VIOLATION—CONT'D.

- chemical oxidizing agents) [TCA §39-17-1301(4) and §39-17-1309(b)(1)].
- Any combination of parts either designed or intended for use in converting any device into any destructive device described above, and from which a destructive device may be readily assembled.
- Possessing or carrying any other kind of “deadly weapon” under state statute and/or Board policy, like:
 - Any club (i.e., any instrument that is specially designed, made or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument) such as blackjacks/slapjacks, leaded canes or Nunchaku karate sticks [TCA §39-17-1301(2) and §39-17-1309(b)(1)].
 - Any knife (i.e., any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument) such as a bowie knives, hawk bill knives, daggers, Shuriken “Death Stars”, pocket knives or box cutters [TCA §39-17-1301(9), §39-17-1309(b)(1)].
 - Any switchblade knife (i.e., any knife that has a blade which opens automatically by hand pressure applied to a button or other device in the handle or operation of gravity or inertia) [TCA §39-17-1301(17) and §39-17-1309(b)(1)].
 - Any artificial knuckles (i.e., any instrument that consists of finger rings or guards made of a hard substance and that is designed, made or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles) such as “Brass Knuckles” [TCA §39-17-1301(10) and §39-17-1309(b)(1)].
 - Any “weapon of like kind” (except those used solely for personal shaving; sharp pointed or edged instruments, except unaltered nail files and clips and tools used solely for preparation of food, instruction or maintenance) such as razors, razor blades, ice picks or slingshots [TCA §39-17-1309(a) and §39-17-1309(b)(1)].
 - “Look-alikes”, simulations or facsimiles of such weapons (e.g., a rubber knife).

Related alignments include, but may not be limited to, the following:

Federal: *Gun Control Act of 1968* [GCA; 18 USC §921 et seq.; Public Law 90-618], *Gun Free School Zones Act of 1990* [GFSZA; 18 USC §922 and 924] and *Gun Free Schools Act of 1994*; 18 USC §175 et seq.; 18 USC §229 et seq.; 18 USC §831 et seq.; 18 USC §841 et seq.; 20 USC §7912; 27 CFR §447.1 et seq.

State: TCA §39-11-106(5) and (18); §39-12-101 et seq.; §39-14-702; §39-16-604; §39-17-1301 et seq.; §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

WEAPONS POLICY VIOLATION—CONT'D.

5-406; §49-5-501(3)(A), (B) and (D); §49-6-801 et seq.; §49-6 1024; the *School Security Act of 1981* [TCA §49-6-4201 et seq.]; *School Security Act of 2013* [TCA §49-6-815]

- Professional ethics:** TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(4)
- School System:** ORS 5.106; 5.108; 5.200; 5.201; 5.202; 5.600; 5.611; 5.701; 5.702; 5.802; 6.100
- Association:** NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

- Initial responsibility:** SCHOOL SYSTEM LEVEL
- Mandatory reporting:** YES
- Initial classification:** MAJOR

Case Management Options: Weapons Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

- An employee shall report being charged with any criminal offense to his or her immediate Supervisor within 72 (seventy-two) hours of the (alleged) offense [ORS 5.108]. The Supervisor must report the (alleged) offense to the Superintendent immediately, and the Superintendent must report the (alleged) offense to the Board as soon as practical [ORS 5.108].
- Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or TDE/TSBE) where mandated.
- The Superintendent shall display in prominent locations about the school (including, but not limited to, sports arenas, gymnasiums and cafeterias) a sign, at least 6 (six) inches high and 14 (fourteen) inches wide, stating: "FELONY. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF 6 (SIX) YEARS IMPRISONMENT AND A FINE NOT TO EXCEED \$3,000 (THREE THOUSAND DOLLARS) FOR CARRYING WEAPONS ON SCHOOL PROPERTY [TCA §39-17-1309(d)].
- Some examples of this ECOC violation may be incompatible with initial or continued employment by the School System. For management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- Important ECOC-related possession provisions may apply for School System personnel (see [Appendix 4.04](#)).
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING)

Definition: This ECOC violation means any act that does not statutorily render an employee ineligible for employment not specified elsewhere in this section of the ECOC that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Breaking and entering into a School System-owned structure.
- Creating or contributing to a civil disturbance.
- Coercing a witness.
- Being convicted of Driving Under the Influence (DUI) when no transportation duties are required of the employee.

Related alignments include, but may not be limited to, the following:

Federal: Includes 18 USC §228, 18 USC §231 et seq., 18 USC §331 et seq., 18 USC §351 et seq., 18 USC §371 et seq., 18 USC §401 et seq., 18 USC §1071 et seq., 18 USC §1084, 18 USC §1261 et seq., 18 USC §1301 et seq., 18 USC §1361 et seq., 18 USC §1425, 18 USC §1460 through 1466, 18 USC §1470, 18 USC §1501 et seq., 18 USC §1581 et seq., 18 USC §1751 et seq., 18 USC §1801, 18 USC §1831 et seq., 18 USC §1951 et seq., 18 USC §1961 et seq., 18 USC §2101 et seq., 18 USC §2325 et seq., 18 USC §2331 et seq., 18 USC §2341 et seq., 18 USC §2381 et seq., 18 USC §2510 et seq., 18 USC §2701 et seq. and all non-disqualifying federal level criminal issues not otherwise specified

State: Includes TCA §39-12-101 et seq., §39-12-201 et seq., §39-13-210 through 218, §39-13-301 through 303, §39-13-306 through 308, §39-13-401 and 404, §39-13-601 et seq., §39-13-801 et seq., §39-14-201 et seq., §39-14-301, §39-14-303 through 307, §39-14-401 et seq., §39-14-501 et seq., *Tennessee Personal and Commercial Computer Act or 2003* [§39-14-601 et seq.], §39-14-701 et seq., §39-14-801 et seq., §39-14-901 et seq., §39-15-101, §39-15-301 et seq., §39-15-403 and 404, §39-15-408 through 414, §39-16-301 et seq., §39-16-401 through 407, §39-16-507 et seq., §39-16-601 et seq., §39-17-101 et seq., §39-17-301 through 307, §39-17-311 and 312, §39-17-316 and 317, §39-17-501 et seq., §39-17-601 et seq., §39-17-701 et seq., §39-17-901 et seq., §39-17-1101 et seq., §39-17-1401 et seq., §39-17-1501 et seq., §49-2-301(b)(1)(GG), §49-5-201(a)(12), §49-5-406, §49-5-501(3)(A) through (D) and all non-disqualifying state level criminal issues not otherwise specified

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a)

School System: Includes ORS 3.400, 3.405, 5.106, 5.108, 5.200, 5.201, 5.202, 5.600, 5.611, 5.701, 5.702, 5.802, 6.100 and all non-disqualifying School System level criminal violations not otherwise specified

Association: N/A

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING)—CONT'D.

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: MAJOR

Case Management Options: Other Criminal Violation (Non-Disqualifying)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

- Some examples of this ECOC violation are incompatible with initial or continued employment by the School System. For management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- An employee shall report being charged with any criminal offense to his or her immediate Supervisor within 72 (seventy-two) hours of the (alleged) offense [ORS 5.108]. The Supervisor must report the (alleged) offense to the Superintendent immediately, and the Superintendent must report the (alleged) offense to the Board as soon as practical [ORS 5.108].
- Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or TDE/TSBE) where mandated.
- Important ECOC-related electronic communication and social networking provisions apply for School System personnel (see [Appendix 4.02](#)).
- For additional information and/or examples, consult your direct Supervisor or HR.

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

OTHER CRIMINAL VIOLATION (DISQUALIFYING)

Definition: This ECOC violation means any act that statutorily renders an employee ineligible for employment not specified elsewhere in this section of the ECOC that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Being convicted of a crime reportable to TDE/TSBE for subsequent consideration for license suspension, revocation, denial, or fingerprint clearance forfeiture.

Related alignments include, but may not be limited to, the following:

Federal: Includes 18 USC §1111 et seq., 18 USC §1201 et seq., 18 USC §1466a, 18 USC §2111 et seq., 18 USC §2251 et seq., 18 USC §2423, 18 USC §2425, 18 USC §2427, 18 USC §3283 and all disqualifying federal level criminal issues not otherwise specified

State: Includes TCA §8-47-101, §39-13-202, §39-13-201 and 202, §39-13-304 and 305, §39-13-402 and 403, §39-13-501 through 504, §39-13-501 et seq., §39-14-302, §39-15-210, §39-15-401 and 402, §39-17-417, §39-17-911 and §914, §39-17-1001 et seq., §40-35-501(i)(2), §40-39-201 et seq., §49-2-301(b)(1)(GG), §49-5-201(a)(12), §49-5-406, §49-5-413, §49-5-417, §49-5-501(3)(A), (B) and (D), §49-5-709, §49-6-2117 and all disqualifying state level criminal issues not otherwise specified

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a)

School System: Includes ORS 3.400, 3.405, 4.406, 5.106, 5.108, 5.200, 5.201, 5.202, 5.600, 5.611, 5.701, 5.702, 5.802, 6.100 and all disqualifying School System level criminal violations not otherwise specified

Association: NOT APPLICABLE

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: DISQUALIFYING

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4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW—CONT'D.

OTHER CRIMINAL VIOLATION (DISQUALIFYING)—CONT'D.

Case Management Options: Other Criminal Violation (Disqualifying)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Dismissal	Not Applicable	Not Applicable	Not Applicable
Relatively Equal	Dismissal	Not Applicable	Not Applicable	Not Applicable
Mostly Aggravating	Dismissal	Not Applicable	Not Applicable	Not Applicable

Commentary:

- All examples of these ECOC violations are incompatible with initial or continued employment by the School System.
- An employee shall report being charged with any criminal offense to his or her immediate Supervisor within 72 (seventy-two) hours of the (alleged) offense [ORS 5.108]. The Supervisor must report the (alleged) offense to the Superintendent immediately, and the Superintendent must report the (alleged) offense to the Board as soon as practical [ORS 5.108].
- An employee must notify the Superintendent within 24 (twenty-four) hours if he or she has been named as an indicated perpetrator of child abuse [ORD 5.108].
- Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or TDE/TSBE) where mandated.
- For additional information and/or examples, consult your direct Supervisor or HR.

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5.0 PROCEDURES FOR INFORMAL DISCIPLINARY ACTIONS *ACKNOWLEDGED ORAL WARNINGS*

An employee facing an [Acknowledged Oral Warning](#) will receive the following:

Professional Personnel

- An informal meeting with his or her Supervisor in a private location.
- The option of being accompanied by an association representative during the meeting.
- An explanation of the allegation(s) involved.
- A reasonable amount of time to respond to the allegation(s).
- Consideration of the response and all pertinent aggravating and/or mitigating factors in the case prior to making a decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that includes: 1) Expectations for correction (if any); and 2) Notice that repeat offenses may result in more severe action.
- An opportunity to respond to the action in writing.

Support Personnel

- An informal meeting with his or her Supervisor in a private location.
- An explanation of the allegation(s) involved.
- A reasonable amount of time to respond to the allegation(s).
- Consideration of the response and all pertinent aggravating and/or mitigating factors in the case prior to making a decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that includes: 1) Expectations for correction (if any); and 2) Notice that repeat offenses may result in more severe action.
- An opportunity to respond to the action in writing.

Workflows for this type of informal action are as follows:

Professional Personnel

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Includes the Professional Employee's response to the allegation(s) involved; and 2) Both establishes and verifies grounds for discipline that warrant this type of action.
- **During action.** The Supervisor will:
 - Meet with the Professional Employee within a reasonable timeframe.
 - State his/her reason(s) for proceeding with the action.
 - Reference any aggravating and/or mitigating factors considered prior to making the decision.
 - Provide the Professional Employee with documentation of the action (see [Appendix 5.01](#)).
 - Review the documentation with the Professional Employee.
 - Request signed and dated acknowledgement of receipt from the Professional Employee.

NOTE: Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation shall be witnessed on the documentation.

- **After action.** The Supervisor will:
 - Offer the Professional Employee an opportunity to respond to the action in writing within a reasonable timeframe [ORS 5.114].
 - Inform the Professional Employee of his or her right to include any comments he or she wishes.

NOTE: Any written response must be: 1) Signed; 2) Dated; and 3) Attached to the documentation of the action.

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5.0 PROCEDURES FOR INFORMAL DISCIPLINARY ACTIONS—CONT'D. ACKNOWLEDGED ORAL WARNINGS—CONT'D.

Support Personnel

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Includes the Non-Licensed Employee's response to the allegation(s) involved; and 2) Both establishes and verifies grounds for discipline that warrant this type of action.
- **During action.** The Supervisor will:
 - Meet with the Non-Licensed Employee within a reasonable timeframe.
 - State his/her reason(s) for proceeding with the action.
 - Reference any aggravating and/or mitigating factors considered prior to making the decision.
 - Provide the employee with documentation of the action (see [Appendix 5.01](#)).
 - Review the documentation with the Non-Licensed Employee.
 - Request signed and dated acknowledgement of receipt from the Non-Licensed Employee.

NOTE: Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation shall be witnessed on the documentation.

- **After action.** The Supervisor will:
 - Offer the Non-Licensed Employee an opportunity to respond to the action in writing within a reasonable timeframe [ORS 5.114].
 - Inform the Non-Licensed Employee of his or her right to include any comments he or she wishes.

NOTE: Any written response must be: 1) Signed; 2) Dated; and 3) Attached to the documentation of the action.

Post-action considerations include the following:

Professional Personnel

- **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
- **Contest of action.** There are no provisions for the contest of this action under state statute; however, Grievance is permitted using the defined procedure where applicable [ORS 5.501].

NOTE: All documents, communications, and records dealing with the processing of a Grievance shall be filed separately from the USF of the Grievant.

- **Withdrawal of action.** Withdrawal provisions apply (see [Section 9.0](#)).
- **Expiration of action.** Expiration provisions apply (see [Section 9.0](#)).

Support Personnel

- **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
- **Contest of action.** There are no provisions for the contest of this action under state statute; however, grievance is permitted using the defined procedure where applicable [ORS 5.501].
- **Withdrawal of action.** Withdrawal provisions apply (see [Section 9.0](#)).
- **Expiration of action.** Expiration provisions apply (see [Section 9.0](#)).

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5.0 PROCEDURES FOR INFORMAL DISCIPLINARY ACTIONS–CONT'D. WRITTEN WARNINGS

An employee facing a [Written Warning](#) will receive the following:

Professional Personnel

- An informal meeting with his or her Supervisor in a private location.
- The option of being accompanied by an association representative during the meeting.
- An explanation of the allegation(s) involved.
- A reasonable amount of time to respond to the allegation(s).
- Consideration of the response and all pertinent aggravating and/or mitigating factors in the case prior to making a decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that includes: 1) Expectations for correction (if any); and 2) Notice that repeat offenses may result in more severe action.
- An opportunity to respond to the action in writing.

Support Personnel

- An informal meeting with his or her Supervisor in a private location.
- An explanation of the allegation(s) involved.
- A reasonable amount of time to respond to the allegation(s).
- Consideration of the response and all pertinent aggravating and/or mitigating factors in the case prior to making a decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that includes: 1) Expectations for correction (if any); and 2) Notice that repeat offenses may result in more severe action.
- An opportunity to respond to the action in writing.

Workflows for this type of informal action are as follows:

Professional Personnel

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Includes the Professional Employee's response to the allegation(s) involved; and 2) Both establishes and verifies grounds for discipline that warrant this type of action.
- **During action.** The Supervisor will:
 - Meet with the Professional Employee within a reasonable timeframe.
 - State his/her reason(s) for proceeding with the action.
 - Reference any aggravating and/or mitigating factors considered prior to making the decision.
 - Provide the Professional Employee with documentation of the action (see [Appendix 5.01](#)).
 - Review the documentation with the Professional Employee.
 - Request signed and dated acknowledgement of receipt from the Professional Employee.

NOTE: Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation shall be witnessed on the documentation.

- **After action.** The Supervisor will:
 - Offer the Professional Employee an opportunity to respond to the action in writing within a reasonable timeframe [ORS 5.114].
 - Inform the Professional Employee of his or her right to include any comments he or she wishes.

NOTE: Any written response must be: 1) Signed; 2) Dated; and 3) Attached to the documentation of the action.

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5.0 PROCEDURES FOR INFORMAL DISCIPLINARY ACTIONS—CONT'D. WRITTEN WARNINGS—CONT'D.

Support Personnel

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Includes the Non-Licensed Employee's response to the allegation(s) involved; and 2) Both establishes and verifies grounds for discipline that warrant this type of action.
 - **During action.** The Supervisor will:
 - Meet with the Non-Licensed Employee within a reasonable timeframe.
 - State his/her reason(s) for proceeding with the action.
 - Reference any aggravating and/or mitigating factors considered prior to making the decision.
 - Provide the Non-Licensed Employee with documentation of the action (see [Appendix 5.01](#)).
 - Review the documentation with the Non-Licensed Employee.
 - Request signed and dated acknowledgement of receipt from the Non-Licensed Employee.
- NOTE:** Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation shall be witnessed on the documentation.
- **After action.** The Supervisor will:
 - Offer the Non-Licensed Employee an opportunity to respond to the action in writing within a reasonable timeframe [ORS 5.114].
 - Inform the Non-Licensed Employee of his or her right to include any comments he or she wishes.

NOTE: Any written response must be: 1) Signed; 2) Dated; and 3) Attached to the documentation of the action.

Post-action considerations include the following:

Professional Personnel

- **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
- **Contest of action.** There are no provisions for the contest of this action under state statute; however, Grievance is permitted using the defined procedure where applicable [ORS 5.501].

NOTE: All documents, communications, and records dealing with the processing of a Grievance shall be filed separately from the USF of the Grievant.

- **Withdrawal of action.** Withdrawal provisions apply (see [Section 9.0](#)).
- **Expiration of action.** Expiration provisions apply (see [Section 9.0](#)).

Support Personnel

- **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
- **Contest of action.** There are no provisions for the contest of this action under state statute; however, grievance is permitted using the defined procedure where applicable [ORS 5.501].
- **Withdrawal of action.** Withdrawal provisions apply (see [Section 9.0](#)).
- **Expiration of action.** Expiration provisions apply (see [Section 9.0](#)).

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS OFFICIAL REPRIMANDS

An employee facing an [Official Reprimand](#) will receive the following:

Professional Personnel

- A formal meeting with the Superintendent or his/her designee in a private location.
- The option of being accompanied by an association representative during the meeting.
- An explanation of the allegation(s) involved.
- A reasonable amount of time to respond to the allegation(s).
- Consideration of the response and all pertinent aggravating and/or mitigating factors in the case prior to making a decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that includes: 1) Expectations for correction (if any); and 2) Notice that repeat offenses may result in more severe action.
- An opportunity to respond to the action in writing.

Support Personnel

- A formal meeting with the Superintendent or his/her designee in a private location.
- An explanation of the allegation(s) involved.
- A reasonable amount of time to respond to the allegation(s).
- Consideration of the response and all pertinent aggravating and/or mitigating factors in the case prior to making a decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that includes: 1) Expectations for correction (if any); and 2) Notice that repeat offenses may result in more severe action.
- An opportunity to respond to the action in writing.

Workflows for this type of formal action are as follows:

Professional Personnel

If the investigation was initiated at the building or site level, the case must be transferred to the Superintendent or his/her designee.

- **Before action.** The Superintendent or his/her designee will complete an investigation will of the incident(s) that: 1) Includes the Professional Employee's response to the allegation(s) involved; and 2) Both establishes and verifies grounds for discipline that warrant this type of action.
- **During action.** The Superintendent or his/her designee will:
 - Meet with the Professional Employee within a reasonable timeframe.
 - State his/her reason(s) for proceeding with the action.
 - Reference any aggravating and/or mitigating factors considered prior to making the decision.
 - Provide the Professional Employee with documentation of the action (see [Appendix 6.01](#)).
 - Review the documentation with the Professional Employee.
 - Request signed and dated acknowledgement of receipt from the Professional Employee.

NOTE: Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation shall be witnessed on the documentation.

- **After action.** The Superintendent or his/her designee will:
 - Offer the Professional Employee an opportunity to respond to the action in writing within a reasonable timeframe [ORS 5.114].
 - Inform the Professional Employee of his or her right to include any comments he or she wishes.

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS—CONT'D. OFFICIAL REPRIMANDS—CONT'D.

NOTE: Any written response must be: 1) Signed; 2) Dated; and 3) Attached to the documentation of the action.

Support Personnel

If the investigation was initiated at the building or site level, the case must be transferred to the Superintendent or his/her designee.

- **Before action.** The Superintendent or his/her designee will complete an investigation will of the incident(s) that: 1) Includes the Non-Licensed Employee's response to the allegation(s) involved; and 2) Both establishes and verifies grounds for discipline that warrant this type of action.
- **During action.** The Superintendent or his/her designee will:
 - Meet with the Non-Licensed Employee within a reasonable timeframe.
 - State his/her reason(s) for proceeding with the action.
 - Reference any aggravating and/or mitigating factors considered prior to making the decision.
 - Provide the Non-Licensed Employee with documentation of the action (see [Appendix 6.01](#)).
 - Review the documentation with the Non-Licensed Employee.
 - Request signed and dated acknowledgement of receipt from the Non-Licensed Employee.

NOTE: Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation shall be witnessed on the documentation.

- **After action.** The Superintendent or his/her designee will:
 - Offer the Non-Licensed Employee an opportunity to respond to the action in writing within a reasonable timeframe [ORS 5.114].
 - Inform the Non-Licensed Employee of his or her right to include any comments he or she wishes.

NOTE: Any written response must be: 1) Signed; 2) Dated; and 3) Attached to the documentation of the action.

Post-action considerations include the following:

Professional Personnel

- **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
- **Contest of action.** There are no provisions for the contest of this action under state statute; however, Grievance and/or administrative remedy are permitted using the defined procedures where applicable [ORS 5.501 and 5.1031].

NOTE: All documents, communications, and records dealing with the processing of a Grievance shall be filed separately from the USF of the Grievant.

- **Withdrawal of action.** Withdrawal provisions do not apply (see [Section 9.0](#)).
- **Expiration of action.** Expiration provisions do not apply (see [Section 9.0](#)).

Support Personnel

- **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
- **Contest of action.** There are no provisions for the contest of this action under state statute; however, Grievance and/or administrative remedy are permitted using the defined procedures where applicable [ORS 5.501 and 5.1031].
- **Withdrawal of action.** Withdrawal provisions do not apply (see [Section 9.0](#)).
- **Expiration of action.** Expiration provisions do not apply (see [Section 9.0](#)).

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS—CONT'D. **DISCIPLINARY SUSPENSIONS**

An overview of the disciplinary [Suspension](#) process by employee classification is as follows:

Professional Personnel

- **Tenure Status**

Consistent with existing state laws and Board of Education policies, the Superintendent or his/her designee may suspend all personnel, licensed or otherwise, except as provided in TCA §49-2-203(a)(1) and 49 Chapter 5 Part 5 [TCA §49-2-301(b)(1)(EE); ORS 5.200]. The causes for which a Teacher may be suspended include: 1) Incompetence [TCA §49-5-501(5) and §49-5-511(a)(2); ORS 5.200]; 2) Inefficiency [TCA §49-5-501(6), §49-5-511(a)(2); ORS 5.200]; 3) Neglect of duty [TCA §49-5-501(8), and 49-5-511(a)(2); ORS 5.200]; 4) Unprofessional conduct [TCA §49-5-511(a)(2); ORS 5.200]; and 5) Insubordination [TCA §49-5-501(7) and §49-5-511(a)(2); ORS 5.200]. No Teacher shall be suspended except as provided in TCA 49 Chapter 5 Part 5 [TCA §49-5-511(a)(1)].

- **Probationary Status**

Consistent with existing state laws and Board of Education policies, the Superintendent may suspend all personnel, licensed or otherwise [TCA §49-2-301(b)(1)(EE); ORS 5.201]. The causes for which a Teacher may be suspended include: 1) Incompetence [TCA §49-5-501(5); ORS 5.201]; 2) Inefficiency [TCA §49-5-501(6); ORS 5.201]; 3) Insubordination [TCA §49-5-501(7); ORS 5.201]; 4) Improper (or unprofessional) conduct [ORS 5.201]; and 5) Neglect of duty [TCA §49-5-501(8); ORS 5.201]. No Teacher shall be suspended except as provided in ORS 5.201.

Support Personnel

Consistent with existing state laws and Board of Education policies, the Superintendent may suspend all personnel, licensed or otherwise [TCA §49-2-301(b)(1)(EE); ORS 5.202]. No Non-Licensed Employee shall be suspended except as provided in ORS 5.202.

Workflows for this type of formal action are as follows:

Professional Personnel

If the investigation was initiated at the building or site level, the case must be transferred to the Superintendent or his/her designee, who will complete an investigation will of the incident(s) that: 1) Includes the Professional Employee's response to the allegation(s) involved; and 2) Both establishes and verifies grounds for discipline that warrant this type of action. All required notices must be hand-delivered or sent by certified mail.

- **Tenure Status**

- **Three Working Days or Less.** The provisions of TCA §49-5-512(a) and (c) shall not apply to a disciplinary Suspension by the Superintendent that it: 1) For a period of 3 (three) days or less; and 2) Not made in anticipation of Dismissal [TCA §49-5-512(d)]. For such suspensions of 3 (three) days or less, the following shall apply:

The Superintendent shall provide written notice of Suspension and the reason(s) for the Suspension to the Teacher, along with an explanation of the evidence supporting the decision to suspend and copies of any documents relied upon by the Superintendent in reaching that decision [TCA §49-5-512(d)(1); ORS 5.200].

Upon request made in writing within 5 (five) days from the date of the Suspension letter or the date it was received, whichever is later, the Superintendent shall provide a conference with the Superintendent (or his/her designee) at which the Teacher may offer rebuttal to the charge(s)

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS—CONT'D. *DISCIPLINARY SUSPENSIONS—CONT'D.*

or any information the Teacher wishes the Superintendent to consider [TCA §49-5-512(d)(2); ORS 5.200]. Both the School System and the Teacher may be represented by an attorney or other representative [TCA §49-5-512(d)(2); ORS 5.200]. The meeting shall be recorded by the Superintendent, and a copy shall be provided to the Teacher upon request [TCA §49-5-512(d)(3); ORS 5.200].

The Superintendent shall issue a written decision within 10 (ten) days from the date of the conference [TCA §49-5-512(d)(4); ORS 5.200]. The Superintendent may not impose any additional punishment beyond that described in the original notice of Suspension [TCA §49-5-512(d)(4)].

NOTE: Under no circumstances shall the Superintendent suspend a Tenured Teacher with pay [ORS 5.200]. If vindicated or reinstated, the Tenured Teacher shall be paid the full salary for the period during which the Tenured Teacher was suspended [TCA §49-5-511(a)(3); ORS 5.200], unless Suspension without pay is deemed to be an appropriate penalty [ORS 5.200].

- **Four Working Days or More.** When charge(s) are made to the Board of Education against a Teacher, charging the Teacher with offense(s) that would justify a Suspension of the Teacher for more than 3 (three) days under the terms of TCA 49 Chapter 5 Part 5, the charge(s) shall be made in writing, specifically stating the offense(s) that are charged, and shall be signed by the party or parties making the charge(s) [TCA §49-5-511(a)(4); ORS 5.200]. If, in the opinion of the Board of Education, the charge(s) are of such a nature as to warrant the Suspension of the Teacher for more than 3 (three) days, the Superintendent shall give the Tenured Teacher a written notice of this decision, together with a copy of the charge(s) and a copy of a form, which shall be provided by the Commissioner, advising the Teacher as to his or her legal duties, rights and recourse [TCA §49-2-203(a)(6) and §49-5-511(a)(5); ORS 5.200] under the terms of TCA 49 Chapter 5 Part 5 [TCA §49-2-203(a)(6) and §49-5-511(a)(5)].

A Tenured Teacher who receives notification of charges pursuant to TCA §49-5-511 may, within 30 (thirty) days after receipt of the notice, demand a full and complete hearing on the charges before an Impartial hearing officer selected by the Board of Education [TCA §49-5-512(a); ORS 5.200]. The Teacher shall give written notice to the Superintendent of his or her request for a hearing [TCA §49-5-512(a)(1); ORS 5.200].

NOTE: The hearing may be private at the request of the Teacher or at the discretion of the hearing officer [TCA §49-5-512(a)(8)].

The Superintendent shall, within 5 (five) days after receipt of the request, name an Impartial hearing officer who shall be responsible for notifying the parties of the hearing officer's assignment [TCA §49-5-512(a)(2); ORS 5.200]. The Board of Education shall maintain a list of qualified individuals who have indicated a willingness to act as impartial hearing officers, as defined under Tennessee law [TCA §49-5-512(a)(3); ORS 5.200].

The hearing officer shall direct the parties or the attorneys for the parties, or both, to appear before the hearing officer for simplification of issues and the scheduling of the hearing, which in no event shall be set later than 30 (thirty) days following receipt of notice demanding a hearing [TCA §49-5-512(a)(2); ORS 5.200]. At the discretion of the hearing officer, all or part of any prehearing conference may be conducted by telephone if each participant has an opportunity to participate, to be heard and to address proof and evidentiary concerns [TCA §49-5-512(a)(2); ORS 5.200].

The hearing officer is empowered to issue appropriate orders and to regulate the conduct of the proceedings [TCA §49-5-512(a)(2)]. All parties shall have: 1) The right to be represented by counsel; 2) The opportunity to call and subpoena witnesses; 3) The opportunity to examine all witnesses; 4) The right to require that all testimony be given under oath; and 5) The right to

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS—CONT'D. DISCIPLINARY SUSPENSIONS—CONT'D.

have evidence deemed relevant by the submitting party included in the record of the hearing, even if objected to by the opposing party [TCA §49-5-512(a)(4)].

NOTE: With regard to witnesses: 1) On request of either party to the hearing, witnesses may be barred from the hearing except as they are called to testify [TCA §49-5-512(a)(8)]; 2) The Impartial hearing officer shall administer oaths to witnesses, who testify under oath [TCA §49-5-512(a)(6)]; and 3) All witnesses shall be entitled to the witness fees and mileage provided by law, which fees and mileage shall be paid by the party issuing a subpoena or calling the witnesses to testify [TCA §49-5-512(a)(5)].

At the appropriate stages of the hearing, the hearing officer may give the parties the full opportunity to file briefs, proposed findings of fact and conclusions of law and proposed initial or final orders [TCA §49-5-512(a)(9)]. A record of the hearing, either by transcript, recording or as is otherwise agreed by the parties shall be prepared if the decision of the hearing officer is appealed [TCA §49-5-512(a)(7)]. All decisions of the hearing officer shall be reduced to writing and included in the record, together with all evidence otherwise submitted [TCA §49-5-512(a)(7)].

The hearing officer shall, within 10 (ten) days of closing the hearing, decide what disposition to make of the case and shall immediately thereafter give the Board of Education and the Tenured Teacher written findings of fact, conclusions of law and a concise and explicit statement of the outcome of the decision [TCA §49-5-512(a)(9)].

NOTE: The Superintendent or other school officials shall not be held liable, personally or officially, when performing their duties in prosecuting charges against any Teacher(s) under TCA 49 Chapter 5 Part 5 [TCA §49-5-512(b)].

- **[Probationary Status](#)**

- **Three Working Days or Less.** Before a Non-Tenured Teacher is suspended for 3 (three) days or less, he or she shall be: 1) Provided with written notice, including the reason(s) for the suspension along with an explanation of the evidence [ORS 5.201]; 2) Given an opportunity to respond to the Superintendent at a recorded conference, if requested in writing within 3 (three) days [ORS 5.201]; and 3) Given a written decision of suspension within 10 (ten) days [ORS 5.201]. Both parties may be represented by counsel at the conference, which shall be recorded [ORS 5.201].

NOTE: Under no circumstances shall the Superintendent suspend a Non-Tenured Teacher with pay. If vindicated or reinstated, the Non-Tenured Teacher shall be paid the full salary for the period during which the Non-Tenured Teacher was suspended, unless Suspension without pay is deemed to be an appropriate penalty.

- **Four Working Days or More.** No Non-Tenured Teacher under the Superintendent's jurisdiction shall be suspended for more than 3 (three) days without first having been given, in writing: 1) Notice of the charge(s) [ORS 5.201]; 2) An opportunity for a full and complete hearing before an Impartial hearing officer selected by the Board of Education [ORS 5.201]; 3) An opportunity to be represented by counsel [ORS 5.201]; 4) An opportunity to call and subpoena witnesses [ORS 5.201]; 5) An opportunity to examine all witnesses [ORS 5.201]; and; and 6) The right to require that all testimony be given under oath [ORS 5.201]. Factual findings and decisions in all such dismissal cases shall be reduced to written form and delivered to the Non-Tenured Teacher within 10 (ten) working days following the close of the hearing [ORS 5.201].

[Support Personnel](#)

If the investigation was initiated at the building or site level, the case must be transferred to the Superintendent or his/her designee, who will complete an investigation will of the incident(s) that: 1) Includes the Professional Employee's response to the allegation(s) involved; and 2) Both establishes and verifies grounds for discipline that warrant this type of action. All required notices must be hand-delivered or sent by certified mail.

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS—CONT'D. *DISCIPLINARY SUSPENSIONS—CONT'D.*

Before a Non-Licensed Employee is suspended, he or she shall be: 1) Provided with the reason(s) for the Suspension; 2) Given an opportunity to respond; and 3) Given a written decision of Suspension.

NOTE: Under no circumstances shall the Superintendent suspend a Non-Licensed Employee with pay [ORS 5.202]. If reinstated, the Non-Licensed Employee shall be paid the full salary for the period during which the Non-Licensed Employee was suspended, unless Suspension without pay is deemed to be an appropriate penalty [ORS 5.202].

Post-action considerations include the following:

Professional Personnel

- Tenure Status
 - **Three Working Days or Less.**
 - **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
 - **Contest of action.** The Teacher, if dissatisfied with the decision of the Superintendent, may pursue appeal of the Superintendent's decision pursuant to TCA §49-5-513 (chancery court only) [TCA §49-5-512(d)(5)].
 - **Withdrawal of action.** Withdrawal provisions do not apply (see [Section 9.0](#)).
 - **Expiration of action.** Expiration provisions do not apply (see [Section 9.0](#)).
 - **Four Working Days or More.**
 - **Records Management.** See above.
 - **Contest of action.** If the affected Teacher desires to appeal a decision rendered in whole or in part in favor of the School System, the Teacher shall first exhaust the administrative remedy of appealing the decision to the Board of Education within 10 (ten) working days of the hearing officer's delivery of the written findings of fact, conclusions and decision to the affected employee [TCA §49-5-512(c)(1); ORS 5.200]. Upon written notice of appeal, the Superintendent shall prepare a copy of the proceedings, transcript, documentary and other evidence presented and transmit the copy to the Board of Education within 20 (twenty) working days of receipt of notice of appeal [TCA §49-5-512(c)(2); ORS 5.200].

The Board of Education shall hear the appeal on the record and no new evidence shall be introduced [TCA §49-5-512(c)(3); ORS 5.200]. The affected employee may appear in person or by counsel and argue why the decision should be modified or reversed [TCA §49-5-512(c)(3); ORS 5.200].

NOTE: In no event should such argument last more than 15 (fifteen) minutes, unless the Board should vote to extend additional time.

The Board of Education may: 1) Sustain the decision; 2) Send the record back if additional evidence is necessary; 3) Revise the penalty; or 4) Reverse the decision [TCA §49-5-512(c)(3); ORS 5.200]. Before any findings and decision are sustained or punishment inflicted, a majority of the membership of the Board of Education shall concur in sustaining the charges and decision [TCA §49-5-512(c)(3)]. The Board of Education shall render its decision on the appeal within 10 (ten) working days after the conclusion of the hearing [TCA §49-5-512(c)(3); ORS 5.200].

NOTE: The Superintendent shall also have the right to appeal any adverse ruling by the hearing officer to the Board of Education under the conditions set out in TCA §49-5-512(c) [TCA §49-5-512(c)(5); ORS 5.200].

Any party dissatisfied with the decision rendered by the Board of Education shall have the right to appeal to the chancery court in the county where the School System is located within

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS—CONT'D. DISCIPLINARY SUSPENSIONS—CONT'D.

30 (thirty) days after receipt of the dated notice of the decision of the Board of Education [TCA §49-5-512(c)(4) and §49-5-513; ORS 5.200]. In such cases, it shall be the duty of the Board of Education to cause the entire record and other evidence in the case to be transmitted to the court [TCA §49-5-512(c)(4); ORS 5.200]. The review of the court shall be *de novo* on the record of the hearing held by the hearing officer and reviewed by the Board of Education [TCA §49-5-512(c)(4)].

- **Expiration.** See above.
- **Withdrawal.** See above.

- [Probationary Status](#)

- **Three Working Days or Less.**

- **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
- **Contest of action.** There are no provisions for the contest of this action under state statute; however, Grievance is permitted using the defined procedure where applicable [ORS 5.501].

NOTE: All documents, communications, and records dealing with the processing of a Grievance shall be filed separately from the USF of the Grievant.

- **Withdrawal of action.** Withdrawal provisions do not apply (see [Section 9.0](#)).
- **Expiration of action.** Expiration provisions do not apply (see [Section 9.0](#)).

- **Four Working Days or More.**

- **Records Management.** See above.
- **Contest of action.** Any Non-Tenured Teacher desiring to appeal from a decision rendered in favor of the School System shall first exhaust the administrative remedy of appealing the decision to the (District) within 10 (ten) working days of the hearing officer rendering written findings of fact and conclusions to the affected employee [ORS 5.201 and 5.1031]. Written notice of appeal shall be given to the Superintendent [ORS 5.201].

Upon written notice of such appeal being given to the Superintendent, the Superintendent shall prepare a copy of the proceedings, transcript, documentary, and other evidence presented, and transmit the copy of the proceedings, transcript, documentary and other evidence presented within 20 (twenty) days of receipt of notice of appeal to the (District) [ORS 5.201].

The (District) shall hear the appeal on the record and no new evidence shall be introduced [ORS 5.201]. The Non-Tenured Teacher may appear in person or by counsel and argue why the decision should be modified or reversed [ORS 5.201].

The (District) may: 1) Sustain the decision; 2) Send the record back if additional evidence is necessary; 3) Revise the penalty or 4) Reverse the decision [ORS 5.201]. Before any such charges shall be sustained or punishment inflicted, a majority of the membership of the Board of Education shall concur in sustaining the charges [ORS 5.201]. The members of the Board of Education shall render the decision on the appeal within 10 (ten) working days after the conclusion of the hearing [ORS 5.201].

NOTE: The Superintendent shall also have the right to appeal any adverse ruling by the hearing officer to the Board of Education under the same conditions set out herein [ORS 5.201].

Any party dissatisfied with the decision rendered by the Board of Education shall have the right to appeal to the chancery court in the county where the School System is located within

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS—CONT'D. *DISCIPLINARY SUSPENSIONS—CONT'D.*

20 (twenty) days receipt of notice of the decision of the Board of Education [ORS 5.201]. It shall be the duty of the Board of Education to cause to be transmitted the entire record and other evidence in the case to the court [ORS 5.201]. The review of the court shall be *de novo* on the record of the hearing held by the Impartial hearing officer and reviewed by the Board of Education.

- **Expiration.** See above.
- **Withdrawal.** See above.

Support Personnel

- **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
- **Contest of action.** There are no provisions for the contest of this action under state statute; however, Grievance and/or administrative remedy are permitted using the defined procedures where applicable [ORS 5.501 and 5.1031].
- **Withdrawal of action.** Withdrawal provisions do not apply (see [Section 9.0](#)).
- **Expiration of action.** Expiration provisions do not apply (see [Section 9.0](#)).

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS—CONT'D. DISMISSALS

An overview of the [Dismissal](#) process by employee classification is as follows:

[Professional Personnel](#)

- [Tenure Status](#)

- **Dismissal for Cause:** Consistent with existing state laws and Board of Education policies, the Superintendent may dismiss all personnel, licensed or otherwise, except as provided in TCA §49-2-203(a)(1) and 49 Chapter 5 Part 5 [TCA §49-2-301(b)(1)(EE); ORS 5.200]. The causes for which a Teacher may be dismissed include: 1) Neglect of duty [TCA §49-5-501(8) and 49-5-511(a)(2)]; 2) Unprofessional conduct [TCA §49-5-511(a)(2)]; and 3) Insubordination [TCA §49-5-501(7) and §49-5-511(a)(2)]. No Teacher shall be dismissed except as provided in TCA 49 Chapter 5 Part 5 [TCA §49-5-511(a)(1)].

NOTE: Additional causes exist under state statute. “Conduct unbecoming to a member of the teaching profession” may consist of, but not be limited to, 1 (one) or more of the following: 1) Immorality [TCA §49-5-501(3)(A)]; 2) Conviction of a felony or a crime involving moral turpitude [TCA §39-13-509, §39-13-522 through 532, §39-15-210, §39-15-401 and 402, §39-17-417, §39-17-911 and §914, §39-17-1001 et seq., §40-39-201 et seq., §40-35-501(i)(2), §49-2-301(b)(1)(GG) and §49-5-501(3)(B)]; 3) Dishonesty, unreliability, continued willful failure or refusal to pay one’s just and honest debts [TCA §49-5-501(3)(C)]; 4) Disregard of the Tennessee Teacher Code of Ethics in TCA 49 Chapter 5 Part 10 in such manner as to make one obnoxious as a member of the profession [TCA §49-5-501(3)(D)]; 5) Improper use of narcotics or intoxicants [TCA §49-5-501(3)(E)].

- **Dismissal for Substandard Performance:** Consistent with existing state laws and Board of Education policies, the Superintendent may dismiss all personnel, licensed or otherwise, except as provided in TCA §49-2-203(a)(1) and §49-5-501 et seq. [TCA §49-2-301(b)(1)(EE); ORS 5.200]. The causes for which a Teacher may be dismissed are: 1) Incompetence [TCA §49-5-501(5) and §49-5-511(a)(2)]; and 2) Inefficiency [TCA §49-5-501(6) and §49-5-511(a)(2)].

NOTE: For Reduction in Force performance considerations effective July 1, 2014, see [Section 9.0](#).

- [Probationary Status](#)

- **Dismissal for Cause:** Consistent with existing state laws and Board of Education policies, the Superintendent may dismiss all personnel, licensed or otherwise, except as provided in TCA §49-2-203(a)(1) and §49-5-501 et seq. [TCA §49-2-301(b)(1)(EE); ORS 5.201]. Such action may be taken during the contract year [ORS 5.201]. The causes for which a Teacher may be dismissed include: 1) Insubordination [TCA §49-2-301(b)(1)(GG)(i) and §49-5-501(7); ORS 5.201]; 2) Improper (or unprofessional) conduct [TCA §49-2-301(b)(1)(GG)(i); ORS 5.201]; and 3) Neglect of duty [TCA §49-2-301(b)(1)(GG)(i) and §49-5-501(8); ORS 5.201]. No Teacher shall be dismissed except as provided in TCA §49-2-301(b)(1)(GG).

NOTE: Additional causes exist under state statute. “Conduct unbecoming to a member of the teaching profession” may consist of, but not be limited to, 1 (one) or more of the following: 1) Immorality [TCA §49-5-501(3)(A)]; 2) Conviction of a felony or a crime involving moral turpitude [TCA §39-13-509, §39-13-522 through 532, §39-15-210, §39-15-401 and 402, §39-17-417, §39-17-911 and §914, §39-17-1001 et seq., §40-39-201 et seq., §40-35-501(i)(2), §49-2-301(b)(1)(GG) and §49-5-501(3)(B)]; 3) Dishonesty, unreliability, continued willful failure or refusal to pay one’s just and honest debts [TCA §49-5-501(3)(C)]; 4) Disregard of the Tennessee Teacher Code of Ethics in TCA 49 Chapter 5 Part 10 in such manner as to make one obnoxious as a member of the profession [TCA §49-5-501(3)(D)]; 5) Improper use of narcotics or intoxicants [TCA §49-5-501(3)(E)].

- **Dismissal for Substandard Performance:** Consistent with existing state laws and Board of Education policies, the Superintendent may dismiss all personnel, licensed or otherwise [TCA §49-2-301(b)(1)(EE); ORS 5.200]. The causes for which a Teacher may be dismissed include: 1) Incompetence [TCA §49-2-301(b)(1)(GG) and §49-5-501(5)]; and 2) Inefficiency [TCA §49-2-301(b)(1)(GG) and §49-5-501(6)].

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS—CONT'D. DISMISSALS—CONT'D.

NOTE: For non-renewal of a Teacher with Probationary Status, see [Section 9.0](#). For Reduction in Force performance considerations effective July 1, 2014, see [Section 9.0](#).

Support Personnel

Consistent with existing state laws and Board of Education policies, the Superintendent may dismiss all personnel, licensed or otherwise, except as provided in TCA §49-2-203(a)(1) and §49-5-501 et seq. [TCA §49-2-301(b)(1)(EE); ORS 5.202]. All persons who are employed in a position for which no teaching license is required shall be hired at the will of the Superintendent [TCA §49-2-301(b)(1)(FF); ORS 5.202], and the Superintendent may dismiss any Non-Licensed Employee for any lawful reason [ORS 5.202].

NOTE: For Reduction in Force performance considerations effective July 1, 2014, see [Section 9.0](#).

Workflows for this type of formal action are as follows:

Professional Personnel

If the investigation was initiated at the building or site level, the case must be transferred to the Superintendent or his/her designee, who will complete an investigation will of the incident(s) that: 1) Includes the Professional Employee's response to the allegation(s) involved; and 2) Both establishes and verifies grounds for discipline that warrant this type of action. All required notices must be hand-delivered or sent by certified mail.

NOTE: For pre-Dismissal administrative Suspension considerations, see [Section 7.0](#).

- Superintendent

Except in cases concerning allegations of criminal or professional misconduct, the Board of Education shall not terminate the contract of or remove the Superintendent from office without giving notice at least 15 (fifteen) calendar days prior to the scheduled meeting at which action shall be taken [TCA §49-2-203(14)(C)]. Notice of termination of a contract of the Superintendent shall include the date, time and place of the meeting [TCA §49-2-203(14)(C)]. The proposed action shall be published as a specific, clearly stated item on the agenda for the meeting [TCA §49-2-203(14)(C)].

- Tenure Status

When charge(s) are made to the Board of Education against a Teacher, charging the Teacher with offense(s) that would justify Dismissal of the Teacher under the terms of TCA 49 Chapter 5 Part 5, the charge(s) shall be made in writing, specifically stating the offense(s) that are charged, and shall be signed by the party or parties making the charge(s) [TCA §49-5-511(a)(4); ORS 5.200]. If, in the opinion of the Board of Education, the charge(s) are of such a nature as to warrant the Dismissal of the Teacher, the Superintendent shall give the Teacher a written notice of this decision, together with a copy of the charge(s) and a copy of a form, which shall be provided by the Commissioner, advising the Teacher as to his or her legal duties, rights and recourse [TCA §49-2-203(a)(6) and §49-5-511(a)(5); ORS 5.200] under the terms of TCA 49 Chapter 5 Part 5 [TCA §49-2-203(a)(6) and §49-5-511(a)(5)].

A Tenured Teacher who receives notification of charges pursuant to TCA §49-5-511 may, within 30 (thirty) calendar days after receipt of the notice, demand a full and complete hearing on the charges before an Impartial hearing officer selected by the Board of Education [TCA §49-5-512(a); ORS 5.200]. The Teacher shall give written notice to the Superintendent of his or her request for a hearing [TCA §49-5-512(a)(1); ORS 5.200].

NOTE: The hearing may be private at the request of the Teacher or at the discretion of the hearing officer [TCA §49-5-512(a)(8)].

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS—CONT'D. *DISMISSALS—CONT'D.*

The Superintendent shall, within 5 (five) working days after receipt of the request, name an Impartial hearing officer who shall be responsible for notifying the parties of the hearing officer's assignment [TCA §49-5-512(a)(2); ORS 5.200]. The Board of Education shall maintain a list of qualified individuals who have indicated a willingness to act as impartial hearing officers, as defined under Tennessee law [TCA §49-5-512(a)(3); ORS 5.200].

The hearing officer shall direct the parties or the attorneys for the parties, or both, to appear before the hearing officer for simplification of issues and the scheduling of the hearing, which in no event shall be set later than 30 (thirty) calendar days following receipt of notice demanding a hearing [TCA §49-5-512(a)(2); ORS 5.200]. At the discretion of the hearing officer, all or part of any prehearing conference may be conducted by telephone if each participant has an opportunity to participate, to be heard and to address proof and evidentiary concerns [TCA §49-5-512(a)(2); ORS 5.200].

The hearing officer is empowered to issue appropriate orders and to regulate the conduct of the proceedings [TCA §49-5-512(a)(2); ORS 5.200]. All parties shall have: 1) The right to be represented by counsel; 2) The opportunity to call and subpoena witnesses; 3) The opportunity to examine all witnesses; 4) The right to require that all testimony be given under oath; and 5) The right to have evidence deemed relevant by the submitting party included in the record of the hearing, even if objected to by the opposing party [TCA §49-5-512(a)(4)].

NOTE: With regard to witnesses: 1) On request of either party to the hearing, witnesses may be barred from the hearing except as they are called to testify [TCA §49-5-512(a)(8)]; 2) The Impartial hearing officer shall administer oaths to witnesses, who testify under oath [TCA §49-5-512(a)(6)]; and 3) All witnesses shall be entitled to the witness fees and mileage provided by law, which fees and mileage shall be paid by the party issuing a subpoena or calling the witnesses to testify [TCA §49-5-512(a)(5)].

At the appropriate stages of the hearing, the hearing officer may give the parties the full opportunity to file briefs, proposed findings of fact and conclusions of law and proposed initial or final orders [TCA §49-5-512(a)(9)]. A record of the hearing, either by transcript, recording or as is otherwise agreed by the parties shall be prepared if the decision of the hearing officer is appealed [TCA §49-5-512(a)(7)]. All decisions of the hearing officer shall be reduced to writing and included in the record, together with all evidence otherwise submitted [TCA §49-5-512(a)(7)].

The hearing officer shall, within 10 (ten) working days of closing the hearing, decide what disposition to make of the case and shall immediately thereafter give the Board of Education and the Teacher written findings of fact, conclusions of law and a concise and explicit statement of the outcome of the decision [TCA §49-5-512(a)(9)].

NOTE: The Superintendent or other school officials shall not be held liable, personally or officially, when performing their duties in prosecuting charges against any Teacher(s) under TCA 49 Chapter 5 Part 5 [TCA §49-5-512(b)].

- **Probationary Status**

The Superintendent may dismiss any Non-Tenured licensed employee under his or her jurisdiction after giving the employee, in writing, due notice of the charge(s) and providing a hearing; provided that no Non-Tenured employee under the Superintendent's jurisdiction shall be dismissed without first having been given, in writing: 1) Notice of the charge(s) [TCA §49-2-301(b)(1)(GG)(i)(a); ORS 5.201]; 2) An opportunity for a full and complete hearing before an Impartial hearing officer selected by the Board of Education [TCA §49-2-301(b)(1)(GG)(i)(b); ORS 5.201]; 3) An opportunity to be represented by counsel [TCA §49-2-301(b)(1)(GG)(i)(c); ORS 5.201]; 4) An opportunity to call and subpoena witnesses [TCA §49-2-301(b)(1)(GG)(i)(d); ORS 5.201]; 5) An opportunity to examine all witnesses [TCA §49-2-301(b)(1)(GG)(i)(e); ORS 5.201]; and 6) The right to require that all testimony be given under oath [TCA §49-2-301(b)(1)(GG)(i)(f); ORS 5.201].

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS—CONT'D. DISMISSALS—CONT'D.

Factual findings and decisions in all such Dismissal cases shall be reduced to written form and delivered to the Non-Tenured Teacher within 10 (ten) working days following the close of the hearing [TCA §49-2-301(b)(1)(GG)(ii); ORS 5.201].

Support Personnel

If the investigation was initiated at the building or site level, the case must be transferred to the Superintendent or his/her designee, who will complete an investigation will of the incident(s) that: 1) Includes the Professional Employee's response to the allegation(s) involved; and 2) Both establishes and verifies grounds for discipline that warrant this type of action. All required notices must be hand-delivered or sent by certified mail.

NOTE: For pre-Dismissal administrative Suspension considerations, see [Section 7.0](#).

The local board of education shall develop a policy for dismissing such employees [TCA §49-2-301 (b)(1)(FF)]. Before an employee is dismissed he or she shall be: 1) Provided with reasons for the Dismissal; 2) Given an opportunity to respond; and 3) Given a written decision of the Dismissal [ORS 5.202].

NOTE: Dismissed employees shall be paid all earnings authorized or due at the end of the next regular pay period.

Post-action considerations include the following:

Professional Personnel

- **Tenure Status**
 - **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
 - **Contest of action.** If the affected Teacher desires to appeal a decision rendered in whole or in part in favor of the School System, the Teacher shall first exhaust the administrative remedy of appealing the decision to the Board of Education within 10 (ten) working days of the hearing officer's delivery of the written findings of fact, conclusions and decision to the affected employee [TCA §49-5-512(c)(1); ORS 5.200]. Upon written notice of appeal, the Superintendent shall prepare a copy of the proceedings, transcript, documentary and other evidence presented and transmit the copy to the Board of Education within 20 (twenty) working days of receipt of notice of appeal [TCA §49-5-512(c)(2); ORS 5.200].

The Board of Education shall hear the appeal on the record and no new evidence shall be introduced [TCA §49-5-512(c)(3); ORS 5.200]. The affected employee may appear in person or by counsel and argue why the decision should be modified or reversed [TCA §49-5-512(c)(3); ORS 5.200].

NOTE: In no event should such argument last more than 15 (fifteen) minutes, unless the Board should vote to extend additional time [ORS 5.200].

The Board of Education may: 1) Sustain the decision; 2) Send the record back if additional evidence is necessary; 3) Revise the penalty; or 4) Reverse the decision [TCA §49-5-512(c)(3); ORS 5.200]. Before any findings and decision are sustained or punishment inflicted, a majority of the membership of the Board of Education shall concur in sustaining the charges and decision [TCA §49-5-512(c)(3)]. The Board of Education shall render its decision on the appeal within 10 (ten) working days after the conclusion of the hearing [TCA §49-5-512(c)(3); ORS 5.200].

NOTE: The Superintendent shall also have the right to appeal any adverse ruling by the hearing officer to the Board of Education under the conditions set out in TCA §49-5-512(c) [TCA §49-5-512(c)(5); ORS 5.200].

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS—CONT'D. DISMISSALS—CONT'D.

Any party dissatisfied with the decision rendered by the Board of Education shall have the right to appeal to the chancery court in the county where the School System is located within 30 (thirty) calendar days after receipt of the dated notice of the decision of the Board of Education [TCA §49-5-512(c)(4) and §49-5-513; ORS 5.200]. In such cases, it shall be the duty of the Board of Education to cause the entire record and other evidence in the case to be transmitted to the court [TCA §49-5-512(c)(4); ORS 5.200]. The review of the court shall be *de novo* on the record of the hearing held by the hearing officer and reviewed by the Board of Education [TCA §49-5-512(c)(4)].

If the Dismissal of the Tenured Teacher is upheld in the Board of Education and court reviews provided for in TCA §49-5-512 and TCA §49-5-513, the Superintendent shall notify in writing the Commissioner, who shall begin licensure revocation proceedings under applicable rules of TSBE [TCA §49-5-511(c)(2)].

- **Withdrawal of action.** Withdrawal provisions do not apply (see [Section 9.0](#)).
- **Expiration of action.** Expiration provisions do not apply (see [Section 9.0](#)).

- **Probationary Status**

- **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
- **Contest of action.** Any Non-Tenured Teacher desiring to appeal from a decision rendered in favor of the School System shall first exhaust the administrative remedy of appealing the decision to the (District) within 10 (ten) working days of the hearing officer rendering written findings of fact and conclusions to the affected employee [TCA §49-2-301(b)(1)(GG)(iii); ORS 5.201 and 5.1031]. Written notice of appeal shall be given to the Superintendent [ORS 5.201].

Upon written notice of such appeal being given to the Superintendent, the Superintendent shall prepare a copy of the proceedings, transcript, documentary and other evidence presented, and transmit the copy of the proceedings, transcript, documentary and other evidence presented within 20 (twenty) working days of receipt of notice of appeal to the (District) [TCA §49-2-301(b)(1)(GG)(iv); ORS 5.201].

The (District) shall hear the appeal on the record and no new evidence shall be introduced [TCA §49-2-301(b)(1)(GG)(v); ORS 5.201]. The Non-Tenured Teacher may appear in person or by counsel and argue why the decision should be modified or reversed [TCA §49-2-301(b)(1)(GG)(v); ORS 5.201].

The (District) may: 1) Sustain the decision; 2) Send the record back if additional evidence is necessary; 3) Revise the penalty; or 4) Reverse the decision [TCA §49-2-301(b)(1)(GG)(v); ORS 5.201]. Before any such charges shall be sustained or punishment inflicted, a majority of the membership of the Board of Education shall concur in sustaining the charges [TCA §49-2-301(b)(1)(GG)(v); ORS 5.201]. The members of the Board of Education shall render the decision on the appeal within 10 (ten) working days after the conclusion of the hearing [TCA §49-2-301(b)(1)(GG)(v); ORS 5.201].

NOTE: The Superintendent shall also have the right to appeal any adverse ruling by the hearing officer to the Board of Education under the same conditions set out in TCA §49-2-301(b)(1)(GG) [TCA §49-2-301(b)(1)(GG)(vi); ORS 5.201].

Any party dissatisfied with the decision rendered by the Board of Education shall have the right to appeal to the chancery court in the county where the School System is located within 20 (twenty) working days receipt of notice of the decision of the Board of Education [TCA §49-2-301(b)(1)(GG)(vii); ORS 5.201]. It shall be the duty of the Board of Education to cause to be transmitted the entire record and other evidence in the case to the court [TCA §49-2-301(b)(1)

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6.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS—CONT'D. DISMISSALS—CONT'D.

(GG)(vii); ORS 5.201]. The review of the court shall be *de novo* on the record of the hearing held by the Impartial hearing officer and reviewed by the Board of Education [TCA §49-2-301(b)(1)(GG)(vii)].

If the Dismissal is upheld in the Board of Education and court reviews and involved conviction of a felony listed in TCA §40-35-501(i)(2) or an offense listed in TCA §39-17-417, the Superintendent shall notify in writing the Commissioner, who shall begin licensure revocation proceedings under applicable rules of TSBE.

- **Withdrawal of action.** Withdrawal provisions do not apply (see [Section 9.0](#)).
- **Expiration of action.** Expiration provisions do not apply (see [Section 9.0](#)).

Support Personnel

- **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
- **Contest of action.** There are no provisions for the contest of this action under state statute; however, Grievance and/or administrative remedy are permitted using the defined procedures where applicable [ORS 5.501 and 5.1031].
- **Withdrawal of action.** Withdrawal provisions do not apply (see [Section 9.0](#)).
- **Expiration of action.** Expiration provisions do not apply (see [Section 9.0](#)).

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7.0 PROCEDURES FOR NON-DISCIPLINARY ACTIONS ADMINISTRATIVE SUSPENSIONS

An overview of the administrative [Suspension](#) process by employee classification is as follows:

Professional Personnel

- Tenure Status

The Superintendent may suspend a Teacher at any time that may seem necessary [TCA §49-5-511(a)(3); ORS 5.200], pending investigation or final disposition of a case before the Board of Education or an appeal [TCA §49-5-511(a)(3); ORS 5.200].

NOTE: Notwithstanding TCA §49-5-511(a), but subject to the appeal and review provisions of TCA §49-5-512 and §49-5-513, any Teacher convicted of a felony listed in TCA §40-35-501(i)(2) or convicted of an offense listed in TCA §39-17-417 shall be immediately suspended and dismissed subject to TCA §49-5-511(c)(2) [TCA §49-5-511 (c)(1)].

- Probationary Status

The Superintendent may suspend a Teacher at any time that may seem necessary, pending investigation or final disposition of a case before the Board of Education or an appeal [ORS 5.201].

NOTE: Notwithstanding TCA §49-5-511(a), but subject to the appeal and review provisions of TCA §49-5-512 and §49-5-513, any Teacher convicted of a felony listed in TCA §40-35-501(i)(2) or convicted of an offense listed in TCA §39-17-417 shall be immediately suspended and dismissed subject to TCA §49-5-511(c)(2) [TCA §49-5-511 (c)(1)].

Support Personnel

The Superintendent may suspend a Non-Licensed Employee at any time when deemed necessary [ORS 5.202].

Workflows for this type of formal action are as follows:

Professional Personnel

All required notices must be hand-delivered or sent by certified mail.

- Tenure Status

In the event of an urgent situation requiring an immediate Suspension, the due process outlined in ORS 5.200 shall be provided after the Suspension has begun. If the matter under investigation is not the subject of an ongoing criminal investigation or a TDCS investigation, and if no charges have been made pursuant to TCA §49-5-511(a)(4), a suspension pending investigation shall not exceed 90 (ninety) days in duration [TCA §49-5-511(a)(3); ORS 5.200].

NOTE: Under no circumstances shall the Superintendent suspend a Tenured Teacher with pay [ORS 5.200]. If vindicated or reinstated, the Tenured Teacher shall be paid the full salary for the period during which the Teacher was suspended [TCA §49-5-511(a)(3); ORS 5.200].

- Probationary Status

In the event of an urgent situation requiring an immediate Suspension, the due process outlined in ORS 5.201 shall be provided after the Suspension has begun. If the matter under investigation is not the subject of an ongoing criminal investigation or a TDCS investigation, and if no charges have been made, a Suspension pending investigation shall not exceed 90 (ninety) days in duration [ORS 5.201].

NOTE: Under no circumstances shall the Superintendent suspend a Non-Tenured Teacher with pay [ORS 5.201]. If vindicated or reinstated, the Non-Tenured Teacher shall be paid the full salary for the period during which the Non-Tenured Teacher was suspended [ORS 5.201].

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7.0 PROCEDURES FOR NON-DISCIPLINARY ACTIONS—CONT'D. ADMINISTRATIVE SUSPENSIONS—CONT'D.

Support Personnel

All required notices must be hand-delivered or sent by certified mail.

In the event of an urgent situation requiring an immediate Suspension, the due process outlined in ORS 5.202 shall be provided after the Suspension has begun.

NOTE: Under no circumstances shall the Superintendent suspend a Non-Licensed Employee with pay [ORS 5.202]. If reinstated, the Non-Licensed Employee shall be paid the full salary for the period during which the Non-Licensed Employee was suspended [ORS 5.202].

Post-action considerations include the following:

Professional Personnel

- **Tenure Status**
 - **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
 - **Contest.** See [Dismissal](#).
 - **Withdrawal of action.** Withdrawal provisions do not apply (see [Section 9.0](#)).
 - **Expiration of action.** Expiration provisions do not apply (see [Section 9.0](#)).
- **Probationary Status**
 - **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
 - **Contest.** See [Dismissal](#).
 - **Withdrawal of action.** Withdrawal provisions do not apply (see [Section 9.0](#)).
 - **Expiration of action.** Expiration provisions do not apply (see [Section 9.0](#)).

Support Personnel

- **Records Management.** Documentation disposition and access provisions apply (see [Section 9.0](#)).
- **Contest of action.** See [Dismissal](#).
- **Withdrawal of action.** Withdrawal provisions do not apply (see [Section 9.0](#)).
- **Expiration of action.** Expiration provisions do not apply (see [Section 9.0](#)).

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8.0 PROCEDURES FOR OTHER ACTIONS CONTRACTS

Professional Personnel

All teachers must make a written contract with the Superintendent or Board of Education at a fixed salary per month before entering upon their duties in any public elementary or high school [TCA §49-5-408; ORS 5.110]. The contracts shall be in such form as may be furnished by the Commissioner and shall be signed in duplicate, each party holding a copy [TCA §49-5-408].

NOTE: Failure to comply with TCA §49-5-408 by either or both parties shall subject the Teacher and the Superintendent or Board of Education to a fine of not less than \$25 (twenty-five dollars) [TCA §49-5-408].

Teachers in service and under control of the public elementary and high schools of this state shall continue in such service until they have received written notice from their Board or Superintendent, as appropriate, of their Dismissal or failure of re-election [TCA §49-5-409(a)]. The notice must be received prior to June 15th to be applicable to the next succeeding school year; provided, that the Superintendent may transfer any Teacher from 1 (one) position to another at the Superintendent's option [TCA §49-5-409(b)].

NOTE: Nothing contained in TCA §49-5-409 shall affect any rights that may have accrued, or may hereafter accrue, on behalf of any teachers or principals in the School System under any law providing a Tenure of office for the teachers and principals [TCA §49-5-409(b)]. Further, nothing in TCA §49-5-409 shall prohibit the Board of Education from abolishing a position after June 15th, for sufficient, just and non-discriminatory reasons; provided, that the person holding the position is notified immediately in writing stating the reasons for abolishing the position and the person is entitled to the next position that the person is qualified to hold and that opens within the School System during the remainder of the school year [TCA §49-5-409(c)]. The determination of whether a Teacher is qualified for an open position shall be made by the Superintendent, and the Teacher's most recent evaluations may be a factor in such determination [TCA §49-1-302(d)(2) and §49-5-409(c); TRR 0520-02-01.01(4)].

Support Personnel

Not applicable.

NON-RENEWALS

Professional Personnel

- Tenure Status

See above.

- Probationary Status

A Non-Tenured Teacher is subject to the same rules and regulations and is entitled to the same privileges of employment enjoyed by a Tenured Teacher, except that the Non-Tenured Teacher has no claim upon continuing employment or Tenure protections [ORS 5.201]. The principal is responsible for discussing deficiencies as part of the evaluation process with the Non-Tenured Teacher and providing assistance for overcoming these deficiencies [ORS 5.201].

The Superintendent is under no obligation to re-employ a Non-Tenured Teacher at the end of his or her contract period [ORS 5.201]. If the Superintendent determines not to renew the contract of a Non-Tenured Teacher, written notice of non-renewal shall be hand delivered or sent to the employee by registered mail so that it will be received by the employee prior to June 15th [TCA §49-5-409 (a) and (b); ORS 5.201].

NOTE: For evaluation-related grievance rights and procedures, see TCA §49-1-302(d)(2) and TRR 0520-02-01.01(4).

Support Personnel

Not applicable.

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8.0 PROCEDURES FOR OTHER ACTIONS—CONT'D. RESIGNATIONS

Professional Personnel

A Teacher shall give the Superintendent written notice of resignation at least 30 (thirty) calendar days in advance of the effective date of the resignation [TCA §49-5-411(b) and §49-5-508(a); ORS 5.200 and 5.201]. The conditions under which it is permissible to break a contract with the Board of Education are as follows:

- The incapacity on the part of the Teacher to perform the contract as evidenced by the certified statement of a physician approved by the Board of Education [TCA §49-5-411(a)(1) and §49-5-508(c)(1); ORS 5.200 and 5.201].
- The drafting of a Teacher into military service by a selective service board [TCA §49-5-411(a)(2) and §49-5-508(c)(2)].
- The release, by written mutual consent, by the Board of Education of the Teacher from the contract that the Teacher has entered into with the Board of Education [TCA §49-5-411(a)(3) and §49-5-508(c)(3); ORS 5.200 and 5.201].

A Teacher who breaks a contract with the Board of Education without a justifiable reason as listed in TCA §49-5-411 shall be subject to the following penalty:

- The release, by written mutual consent, by the Board of Education of the Teacher from the contract that the Teacher has entered into with the Board of Education [TCA §49-5-411(a)(3) and §49-5-508(c)(3)].
- The Board of Education, upon a motion recorded in its minutes, may file a complaint with the Commissioner and request a suspension of the Teacher's license [TCA §49-5-411(b)(1); ORS 5.200 and 5.201].
- The request shall be supported by facts documenting the charge that the Teacher broke the contract contrary to TCA §49-5-411 [TCA §49-5-411(b)(2)].
- The Teacher shall receive a copy of the charges and facts at the same time they are filed with the Commissioner [TCA §49-5-411(b)(3)].
- If the Commissioner that, in fact, the contract was broken, the Commissioner shall suspend the Teacher's license for no less than 30 (thirty) calendar days and no more than 365 (three hundred sixty-five) calendar days [TCA §49-5-411(b)(4); ORS 5.200 and 5.201]. A license that has been suspended because of breach of contract shall have recorded on it the date the suspension was in effect and the cause for the suspension [TCA §49-5-411(b)(6)].

NOTE: The suspension of a license according to TCA §49-5-411 shall occur only after the Commissioner has provided the Teacher an opportunity for defense, in person or by counsel, against the charges during a full and complete hearing within 30 (thirty) calendar days following the filing of the complaint [TCA §49-5-411(b)(5)].

Additional considerations include the following:

- The Board of Education may waive the notice requirement and permit a Teacher to resign in good standing [TCA §49-5-508(a); ORS 5.200 and 5.201].
- A Teacher who fails to give such notice, in the absence of justifiable extenuating circumstances, shall forfeit all Tenure Status under TCA 49 Chapter 5 Part 5 [TCA §49-5-508(a); ORS 5.200 and 5.201].
- Any Teacher who breaks a contract with the Board of Education without a justifiable reason as listed in TCA §49-5-508(c) shall not be given permanent Tenure Status in any other School System in this state, until such Teacher has met all of the requirements in such system for attaining permanent status plus the serving of 5 (five) continuous years in lieu of the 3 (three) continuous years required in TCA §49-5-503; provided, that the local board of education against which the Teacher has broken a contract: 1) Informs the Commissioner of the breach of contract; and 2) Requests the Commissioner to so notify all local boards of education in this state [TCA §49-5-508(b)]. The local board of education may later inform the Commissioner that it is no longer

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8.0 PROCEDURES FOR OTHER ACTIONS—CONT'D. *RESIGNATIONS—CONT'D.*

holding the breach of contract against the Teacher, in which event the local board of education shall request the Commissioner to so notify all local boards of education in this state [TCA §49-5-508(b)]. If and when the local board of education informs the Commissioner that it is no longer holding the breach of contract against the Teacher, the penalty in TCA §49-5-508(b) against the Teacher shall immediately become ineffective, null and void [TCA §49-5-508(b)].

Support Personnel

Support Personnel shall give their immediate supervisors written notice of resignation at least 2 (two) weeks (10 (ten) working days) in advance of the effective date of voluntary termination [ORS 5.202]. The immediate Supervisor shall forward copies the day received to: 1) The Superintendent; or 2) Human Resources [ORS 5.202]. The payroll office will prepare final payment for the next appropriate scheduled pay date [ORS 5.202].

Additional considerations include the following:

- The notice requirement may be waived by the Superintendent for justifiable reason [ORS 5.202].

REDUCTIONS IN FORCE

Professional Personnel

When it becomes necessary to reduce the number of teaching positions in the School System because of a decrease in enrollment or for other good reasons, the Board of Education shall be empowered to dismiss such teachers based on (a composite of criteria, including) their level of effectiveness determined by the evaluation pursuant to TCA §49-1-302 for licensed employees [TCA §49-5-511(b)(1); ORS 5.116]. The Board of Education shall give the Teacher written notice of Dismissal explaining fully the circumstances or conditions making the Dismissal necessary [TCA §49-5-511(b)(2); ORS 5.116].

A Teacher rated in the 3 (three) highest categories based on evaluations pursuant to TCA §49-1-302 who has been dismissed because of abolition of a position shall be placed on a list for re-employment [TCA §49-5-511(b)(3)]. A principal may refuse to accept the placement or transfer of a Teacher by the Superintendent to the principal's school [TCA §49-5-511(b)(3)]. The Teacher's most recent evaluations shall be a factor in such determination [TCA §49-5-511(b)(3)].

The right to remain on the preferred list for employment shall remain in effect until: 1) The Teacher accepts a bona fide offer of re-employment for a comparable position within the School System [TCA §49-5-511(b)(4)(A)]; or 2) The Teacher rejects 4 (four) bona fide offers of reemployment for comparable positions within the School System [TCA §49-5-511(b)(4)(B); ORS 5.116].

NOTE: Nothing in TCA §49-5-511(b) shall be construed to deprive the Superintendent of the power to determine the filling of such vacancy on the basis of the Superintendent's evaluation of the Teacher's competence, compatibility, and suitability to properly discharge the duties required for the vacant position considered in the light of the best interest of the students in the school where the vacancy exists [TCA §49-5-511(b)(3)].

Support Personnel

When it becomes necessary to reduce the number of non-licensed positions in the School System because of a decrease in enrollment or for other good reasons, the Board of Education shall be empowered to dismiss such non-licensed employees based on their level of effectiveness determined by an evaluation of work performance for non-licensed employees [TCA §49-5-511(b)(1)]. The Board of Education shall give the non-licensed employee written notice of Dismissal explaining fully the circumstances or conditions making the Dismissal necessary [TCA §49-5-511(b)(2); ORS 5.116].

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**8.0 PROCEDURES FOR OTHER ACTIONS—CONT'D.
*REDUCTIONS IN FORCE—CONT'D.***

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9.0 PROCEDURES FOR DISCIPLINARY RECORDS MANAGEMENT UNOFFICIAL SUPERVISOR FILES (USFs)

The documentation involved with any informal action shall be retained in an Unofficial Supervisor's File (or "USF") in "active" status.

Action-related considerations include, but are not limited to, the following:

Professional Personnel

- **Record management.** Any USF: 1) Shall be maintained in the office of the Supervisor, separate from the employee's OPF and under his or her direct supervision; and 2) May be maintained for any length of time for any employees from whom her or she is responsible.
- **Employee access.** Except for materials deemed confidential by law, the Superintendent or his/her designee may: 1) Grant any Licensed Employee, or any other person considered as a Professional Employee, access at any reasonable time to his or her USF, whether maintained by the employee's principal, Supervisor, Superintendent, the Board of Education or any other official of the School System [TCA §8-50-108 and §49-2-301(b)(1)(BB); ORS 5.114]; and 2) Give any Licensed Employee, or any other person considered as a Professional Employee, a copy of specified documents in the employee's USF upon request and upon payment of reasonable compensation [TCA §8-50-108 and §49-2-301(b)(1)(CC); ORS 5.114].

NOTE: A Licensed Employee may have an association representative accompany him or her during the review. Upon the prior written authorization by the Licensed Employee, the representative may examine and/or obtain copies of materials in the Licensed Employee's file in the employee's absence.

- **External access.** Except for materials deemed confidential by law, a USF shall be open for inspection and/or copying during regular business hours using the defined procedure [TCA §10-7-503 and §10-7-504; ORS 1.407 and 5.114]. A log of the person(s) inspecting the file and the date of inspection shall be maintained [TCA §10-7-503; ORS 1.407 and 5.114]; however, log notations shall not be required when School System personnel, whose work requires access to files, review the materials contained therein.

NOTE: The log shall be available for examination by a Licensed Employee or his or her association representative: 1) If applicable; and 2) If so authorized in writing by the Licensed Employee in advance.

- **Withdrawal of action.** There are no provisions for the withdrawal of this action under state statute or Board policy. The following procedure will be used:
 - The action may be withdrawn: 1) Only after the following timeframes; and 2) Only if no further incidents of the same or a substantially similar nature have been documented:

Withdrawal Timeframes (Calendar Months)	
Acknowledged Oral Warning	12
Written Warning	12

- Withdrawal of the action may be considered only if all of the following conditions are met:
 - The employee must submit a signed and dated request to his or her current Supervisor that: 1) Outlines the reason(s) why the employee believes the withdrawal is warranted; and 2) States that the employee will adhere to the requirements of the expected action(s) or behavior(s) in the future.
 - The Supervisor must deem that the withdrawal was submitted appropriately by the employee.
 - The written withdrawal request must be retained by the Supervisor.

NOTE: The Supervisor is under no obligation to withdraw the action.

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9.0 PROCEDURES FOR DISCIPLINARY RECORDS MANAGEMENT—CONT'D. UNOFFICIAL SUPERVISOR FILES (USFs)—CONT'D.

- A withdrawn action may be used to justify progressive discipline on the same or substantially similar grounds in the future.
- Physical removal of the documentation associated with the action may be subject to the applicable open records and records maintenance provisions under the *Tennessee Open Records Act* and Board policy [TCA §10-7-101 et seq.; ORS 1.407].

To process a withdrawn action, the Supervisor must:

- Retain the original withdrawal request in the “active” portion of the USF.
 - Attach a copy of the withdrawal request to the original documentation of the action.
 - Move all documentation associated with the action from the “active” section of the USF to the “inactive” section of the USF.
 - Advise the employee in writing within a reasonable timeframe that: 1) The withdrawal was completed; 2) The original withdrawal request was retained in the “active” portion of the USF; and 3) The action may still be subject to progressive discipline if applicable.
- **Expiration of action.** There are no provisions for the automatic expiration of this action for progressive discipline purposes under state statute or Board policy. The following procedure will be used:
 - The action will expire after the following timeframes if no further incidents of the same or a substantially similar nature have been documented:

Expiration Timeframes (Calendar Months)	
Acknowledged Oral Warning	36
Written Warning	36

- An expired action may not be used to justify progressive discipline on the same or substantially similar grounds in the future.
- Physical removal of the documentation associated with the action may be subject to the applicable open records and records maintenance provisions under the *Tennessee Open Records Act* and Board policy [TCA §10-7-101 et seq.; ORS 1.407].

To process an expired action, the Supervisor must:

- Move all documentation associated with the action from the “active” section of the USF to the “inactive” section of the USF.

Support Personnel

- **Record management.** See above.
- **Employee access.** Except for materials deemed confidential by law, the Superintendent or his/her designee may permit a Non-Licensed Employee to review the contents of his or her USF and receive copies of any documents contained therein [TCA §8-50-108; ORS 5.114].
- **External access.** See above.
- **Withdrawal of action.** See above.
- **Expiration of action.** See above.

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9.0 PROCEDURES FOR DISCIPLINARY RECORDS MANAGEMENT–CONT'D. OFFICIAL PERSONNEL FILES (OPFs)

The documentation involved with any formal action will be retained in the Official Personnel File (or “OPF”) in “active” status [ORC 5.114].

Action-related considerations include, but are not limited to, the following:

Professional Personnel

- **Record management.** Any OPF: 1) Shall be maintained in the office of the Superintendent or his/her designee; and 2) Shall be maintained for the length of time prescribed by state statute and/or Board policy.

NOTE: Upon exhaustion of any applicable due process, the documentation involved with a Dismissal shall be converted to “inactive” status. Additionally, no documents and/or adverse materials shall be placed in the OPF after Dismissal.

- **Employee access.** Except for materials deemed confidential by law, the Superintendent or his/her designee may: 1) Grant any Licensed Employee, or any other person considered as a Professional Employee, access at any reasonable time to his or her OPF, whether maintained by the employee's principal, Supervisor, Superintendent, the Board of Education or any other official of the School System [TCA §8-50-108 and §49-2-301(b)(1)(BB); ORS 5.114]; and 2) Give any Licensed Employee, or any other person considered as a Professional Employee, a copy of specified documents in the employee's OPF upon request and upon payment of reasonable compensation [TCA §8-50-108 and §49-2-301(b)(1)(CC); ORS 5.114].

NOTE: A Licensed Employee may have an association representative accompany him or her during the review. Upon the prior written authorization by the Licensed Employee, the representative may examine and/or obtain copies of materials in the Licensed Employee's file in the employee's absence.

- **External access.** Except for materials deemed confidential by law, an OPF shall be open for inspection and/or copying during regular business hours using the defined procedure [TCA §10-7-503 and §10-7-504; ORS 1.407 and 5.114]. A log of the person(s) inspecting the file and the date of inspection shall be maintained [TCA §10-7-503; ORS 1.407 and 5.114]; however, log notations shall not be required when School System personnel, whose work requires access to files, review the materials contained therein.

NOTE: The log shall be available for examination by a Licensed Employee or his or her association representative: 1) If applicable; and 2) If so authorized in writing by the Licensed Employee in advance.

- **Withdrawal of action.** There are no provisions for the withdrawal of this action under state statute or Board policy. The documentation may only be physically removed from the file in accordance with the applicable record cycling provisions of the *Tennessee Open Records Act* and Board policy [TCA §10-7-101 et seq.; ORS 1.407].
- **Expiration of action.** There are no provisions for the automatic expiration of this action for progressive discipline purposes under state statute or Board policy.

Support Personnel

- **Record management.** See above.
- **Employee access.** Except for materials deemed confidential by law, the Superintendent or his/her designee may permit a Non-Licensed Employee to review the contents of his or her OPF and receive copies of any documents contained therein [TCA §8-50-108; ORS 5.114].
- **External access.** See above.
- **Withdrawal of action.** See above.
- **Expiration of action.** See above.

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**9.0 PROCEDURES FOR DISCIPLINARY RECORDS MANAGEMENT—CONT'D.
*OFFICIAL PERSONNEL FILES (OPFs)—CONT'D.***

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10.0 PROCEDURES FOR ECOC REVIEW & DISSEMINATION

As the administrative agent of the Board of Education, the Superintendent or his/her designee will assure that these guidelines and regulations are [ORS 1.101, 1.600, 1.601, 5.802, 5.901 and 5.902]:

- Reviewed at regular intervals; and
- Provided to, or made accessible to, all employees on an annual basis (see [Appendix 8.01](#)).

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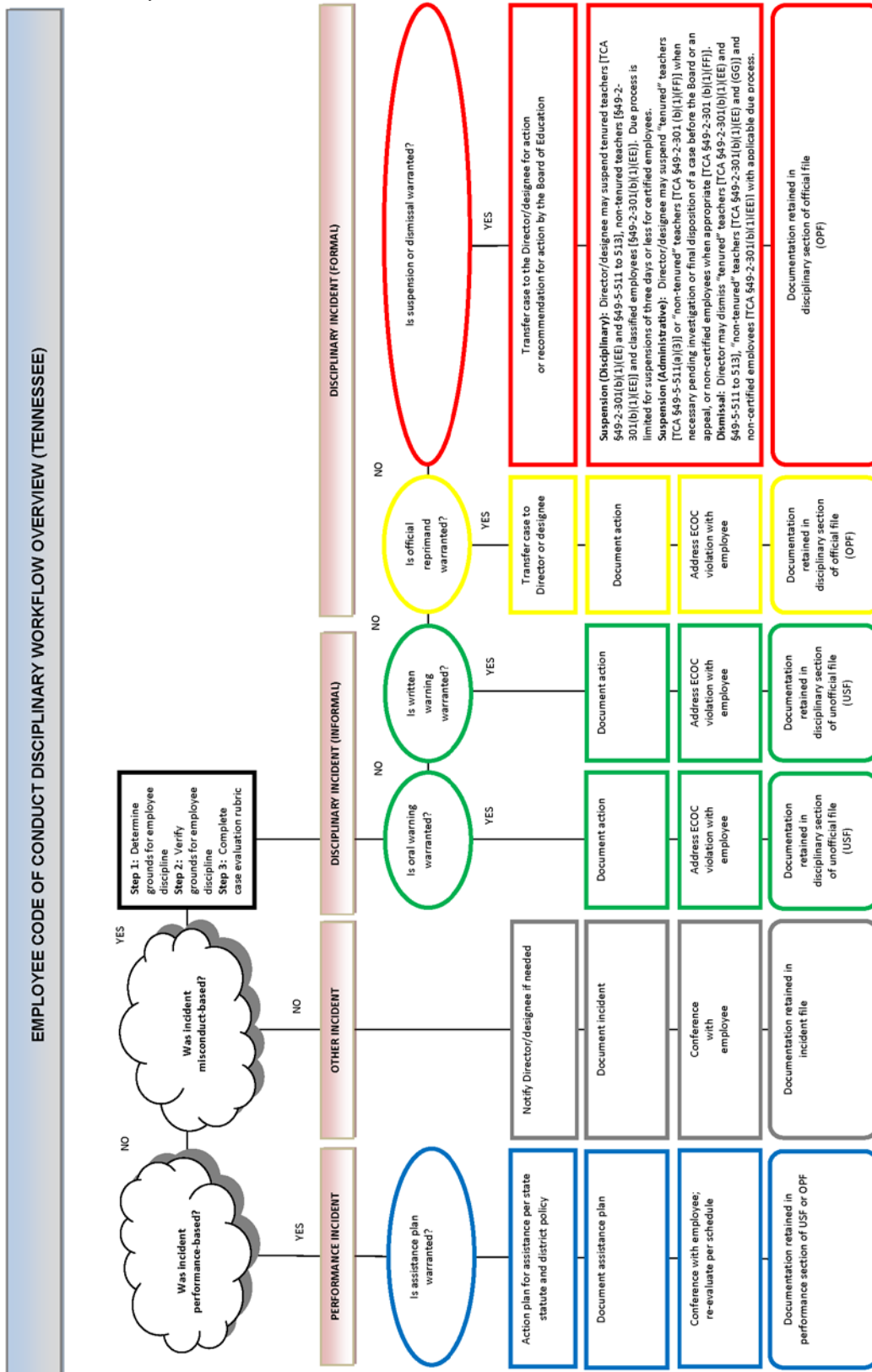
10.0 PROCEDURES FOR ECOC REVIEW & DISSEMINATION-CONT'D.

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APPENDICES

3.01: FLOWCHART; EMPLOYEE DISCIPLINARY PROCESS



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APPENDICES—CONT'D.

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APPENDICES—CONT'D.

3.02: FORM; GENERAL INVESTIGATION WORKSHEET

General Investigation Worksheet



OAK RIDGE SCHOOLS
304 NEW YORK AVE.
P.O. BOX 6588
OAK RIDGE, TN 37831-6588
Telephone: 865.425.9001
Fax: 865.425.9070

Dr. Bruce T. Borchers
Superintendent
Email: btborchers@orfn.edu

Date investigation was opened: _____

Expected completion date: _____

Date completed: _____

Name of employee: _____

Name(s) of investigator(s): _____

Expectations of investigation (include the grounds for employee discipline involved):

Date and time of alleged incident: _____

Description of alleged incident (reference the "who", "what", "where", "when", and "why"):

Physical location of alleged incident (include a description and details of any examination):

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (TN)

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APPENDICES—CONT'D.

3.02: FORM; GENERAL INVESTIGATION WORKSHEET—CONT'D.

Names and statements of witnesses (interviewed separately; attach to worksheet):

Summary of employee's past disciplinary record (include grounds and disciplinary actions):

Specific rights of the accused that must be addressed (if any):

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APPENDICES—CONT'D.

3.03: FORM; GROUNDS-SPECIFIC INVESTIGATION WORKSHEET



OAK RIDGE SCHOOLS
304 NEW YORK AVE.
P.O. BOX 6588
OAK RIDGE, TN 37831-6588

Telephone: 865.425.9001
Fax: 865.425.9070

Dr. Bruce T. Borchers
Superintendent
Email: btborchers@ortn.edu

INSUBORDINATION CHECKLIST	YES	NO
<p>Was the behavior a clear violation of school system policy?</p>		
<p>Was a clear directive issued?</p> <p><i>The most effective way to communicate a request is a clearly written memo or order that explains <u>what</u> to do, <u>when</u> it needs to be done, and <u>how</u> it should be done. To address this requirement for establishing insubordination, the investigator should identify:</i></p> <ul style="list-style-type: none"> • Who issued the directive; or • Whether the directive was given verbally, in writing, or by some other means. 		
<p>Did the employee understand the directive?</p> <p><i>The most effective way to ensure understanding is to have the employee respond to the directive in writing to confirm that he or she comprehends the requirement(s) involved. Any directive issued verbally must be related in a manner that confirms that the employee clearly understands what is expected. To address this requirement for establishing insubordination, the investigator should identify:</i></p> <ul style="list-style-type: none"> • Whether or not the employee was aware of the purpose of the request; • Whether or not the employee was aware of the specific duties imposed by the request; or • Whether or not the employee directly refused or avoided the directive and why. 		
<p>Was the directive appropriate?</p> <p><i>To address this requirement for establishing insubordination, the investigator should identify:</i></p> <ul style="list-style-type: none"> • Whether or not the directive was consistent with the employee's duties, position and/or skills; • Whether or not the directive required the employee to perform unsafe or illegal acts; • Whether or not the employee had a valid explanation for refusing or avoiding the directive; or • Whether or not the directive reasonably interfered with the employee's rights. 		

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APPENDICES—CONT'D.

3.03: FORM; GROUNDS-SPECIFIC INVESTIGATION WORKSHEET—CONT'D.

INSUBORDINATION CHECKLIST	YES	NO
<p>Are there any factors that might have influenced the employee's actions?</p> <p><i>To address this requirement for establishing insubordination, the investigator should identify:</i></p> <ul style="list-style-type: none"> • Whether the action or behavior involved is prevalent among the employee's colleagues or co-workers; • Whether or not the action or behavior was motivated by others; • Whether or not past evidence of insubordination exists; • Whether or not the employee was adequately notified in advance that the action or behavior involved was inappropriate or unacceptable; • Whether or not school system policy clearly prohibits the action or behavior involved; or • Whether or not school system policy in this area is being consistently enforced. 		
<p>What is the potential impact of the insubordinate conduct on the school system?</p> <p><i>To address this requirement for establishing insubordination, the investigator should identify:</i></p> <ul style="list-style-type: none"> • Whether or not the action or behavior impacted campus safety; • Whether or not the action or behavior impacted the interests of the school system; • Whether or not the action or behavior impacted school or job climate; • Whether or not the employee's job position worsened or ameliorated the effect of the action or behavior; or • Whether or not the action or behavior can be remediated. 		

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (TN)

APPENDICES—CONT'D.

3.04: FORM; CASE EVALUATION RUBRIC



OAK RIDGE SCHOOLS

DECISION SUPPORT RUBRIC: EMPLOYEE DISCIPLINE

v.2015.04.28

DATE:

EMPLOYEE NAME:

EMPLOYEE TYPE:

POSITION/TITLE:

LENGTH OF SERVICE:

INTRODUCTION:

The following is an example of a disciplinary decision-making tool based on the Douglas Factors (Merit Systems Protection Board, *Douglas vs. Veterans Administration*, 5 M.S.P.R. 280, 1981) that illustrates one quantitative method by which reasonable and appropriate employee disciplinary decisions may be reached in a fair and consistent manner. To protect due process rights, such an instrument should only be used after grounds for employee discipline have been established and verified in the case.



GET INVESTIGATION WORKSHEET

Decisions to use such a tool must be accompanied by a commitment to do so with every employee discipline case in conjunction with regularly updated employee discipline policies and the Code of Employee Conduct based upon them. In cases where an investigative team is in place, each party should be familiar with this instrument before a disciplinary consequence is selected or recommended to ensure inter-rater reliability.

Complete the steps below in the order shown.

DIRECTIONS:

STEP 1: Begin by indicating the validated grounds for employee discipline.

1.00: EMPLOYEE MISCONDUCT, NO SUBCATEGORY, NO CODE OF EMPLOYEE CONDUCT VIOLATION



[VIEW CODE](#)

STEP 2: Next, indicate on how many occasions, including this case, that these grounds have been validated against this employee.

0

STEP 3: Next, review the range of reasonable disciplinary option(s) for this incident. If any, based on school or district progressive employee discipline guidelines.

RANGE OF "REASONABLE" DISCIPLINARY OPTIONS:

NONDISCIPLINARY COUNSELING	YES
UNKNOWN/USED ORAL WARNING	NO
WRITTEN WARNING	NO
OFFICIAL REPRIMAND	NO
SUSPENSION	NO
DISMISSAL	NO
NOT APPLICABLE	NO

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (TN)

APPENDICES—CONT'D.

3.04: FORM; CASE EVALUATION RUBRIC—CONT'D.



OAK RIDGE SCHOOLS

DECISION SUPPORT RUBRIC: EMPLOYEE DISCIPLINE

v.2015.04.28

STEP 4a: Next, use the rating guide to evaluate the aggravating factors associated with this case.

AGGRAVATING FACTORS		RATING GUIDE	
EVALUATION CRITERION	RATING		
1.1.1: AGGRAVATING FACTOR: NATURE OF INCIDENT(S): This/these incident(s) represent(s) a specific violation of the Employee Code of Conduct.	0	Evidence addressing this criterion cannot be identified OR this factor does not apply to the case	
1.1.2: AGGRAVATING FACTOR: NATURE OF INCIDENT(S): This/these incident(s) can be linked to the employee's position, duties, or job responsibilities.	0		
1.1.3: AGGRAVATING FACTOR: NATURE OF INCIDENT(S): This/these incident(s) had a direct impact on campus safety, school climate, or the interests of the school or district.	0		
1.1.4: AGGRAVATING FACTOR: NATURE OF INCIDENT(S): This/these incident(s) was/were engaged in maliciously, intentionally, for gain, or on more than one occasion.	0		
Subtotal:	0		
1.2.1: AGGRAVATING FACTOR: WORK ROLE: This employee functions in a supervisory, fiduciary, or other prominent role within the school or district.	0	Evidence addressing this criterion is weak and subjective	
1.2.2: AGGRAVATING FACTOR: WORK ROLE: This employee's position requires significant contact with external stakeholders and/or the public.	0		
Category subtotal:	0		
1.3.1: AGGRAVATING FACTOR: DISCIPLINARY RECORD: Disciplinary action was taken against this employee on the same or substantially similar grounds in the past.	0	Evidence addressing this criterion is weak but objective	
1.3.2: AGGRAVATING FACTOR: DISCIPLINARY RECORD: Disciplinary action was taken against this employee on dissimilar grounds in the past.	0		
Category subtotal:	0		
1.4.1: AGGRAVATING FACTOR: COMMUNITY IMPACT: The incident(s) involved has/have either received significant public attention or is/are likely to impact the reputation of the school or district in the future.	0	Evidence addressing this criterion is strong but subjective	
Category subtotal:	0		
1.5.1: AGGRAVATING FACTOR: ADVANCE NOTICE: The employee previously read, understood, and agreed to abide by the Employee Code of Conduct prior to this disciplinary incident.	0	Evidence addressing this criterion is strong and objective	
Category subtotal:	0		
AGGRAVATING FACTOR SUBTOTAL:		0	

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (TN)

APPENDICES–CONT'D.

3.04: FORM; CASE EVALUATION RUBRIC–CONT'D.



OAK RIDGE SCHOOLS

DECISION SUPPORT RUBRIC: EMPLOYEE DISCIPLINE

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STEP 4b: Next, use the rating guide to evaluate the mitigating factors associated with this case.

MITIGATING FACTORS		RATING	RATING GUIDE
EVALUATION CRITERION			
2.6.1: MITIGATING FACTOR: PERFORMANCE RECORD: This employee's term of service was insufficient to provide the experience needed to foresee and/or avoid this/these incident(s).		0	Evidence addressing this criterion cannot be identified OR this factor does not apply to the case
2.6.2: MITIGATING FACTOR: PERFORMANCE RECORD: This employee's work history reveals no performance concerns (e.g., failure to meet expectations, inability to work with others or non-reliability).		0	
Category subtotal:		0	
2.7.1: MITIGATING FACTOR: PSYCHOSOCIAL RECORD: A physical or mental disability (e.g., cognitive impairment, personality problems, or chronic illness) may be involved in this case.		0	
2.7.2: MITIGATING FACTOR: PSYCHOSOCIAL RECORD: A personal problem (e.g., physical illness or injury), family issue (e.g., death, divorce or financial crisis) or a similar stressor may be involved in this case.		0	Evidence addressing this criterion is weak and subjective
2.7.3: MITIGATING FACTOR: PSYCHOSOCIAL RECORD: Unusual job circumstances, tension, or pressure (e.g., harassment, bad faith, malice, or provocation from others) may be involved in this case.		0	
Category subtotal:		0	
2.8.1: MITIGATING FACTOR: FUTURE WORK ENVIRONMENT: This/these incident(s) should have little or no impact on the employee's ability to effectively perform his or her assigned duties in the future.		0	Evidence addressing this criterion is weak but objective
2.8.2: MITIGATING FACTOR: FUTURE WORK ENVIRONMENT: This/these incident(s) should have little or no impact on administrative or supervisory confidence and/or trust in the employee in the future.		0	
Category subtotal:		0	Evidence addressing this criterion is strong but subjective
2.9.1: MITIGATING FACTOR: REHABILITATION POTENTIAL: Remediation of the conduct or performance deficit that this/these incident(s) represent(s) is a realistic goal in this case.		0	
Category subtotal:		0	Evidence addressing this criterion is strong and objective
2.10.1: MITIGATING FACTOR: DETERRENCE EFFECT: Disciplinary action in this case should result in behavioral suppression (i.e., prevention of the same or similar incidents in the future) for this employee.		0	
2.10.2: MITIGATING FACTOR: DETERRENCE EFFECT: Disciplinary action in this case should reinforce behavioral suppression (i.e., prevention of the same or similar incidents in the future) for other employees.		0	
Category subtotal:		0	
MITIGATING FACTOR SUBTOTAL:		0	

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (TN)

APPENDICES—CONT'D.

3.04: FORM; CASE EVALUATION RUBRIC—CONT'D.



OAK RIDGE SCHOOLS

DECISION SUPPORT RUBRIC: EMPLOYEE DISCIPLINE

v.2015.04.28

STEP 5: Next, review the most appropriate disciplinary option(s) for this employee based on your responses to the case evaluation.

NET DOUGLAS FACTOR EVALUATION SCORE:

NET DOUGLAS FACTOR EVALUATION SCORE:

NON-DISCIPLINARY COUNSELING	YES
ACKNOWLEDGED ORAL WARNING	NO
WRITTEN WARNING	NO
OFFICIAL REPRIMAND	NO
SUSPENSION	NO
DISMISSAL	NO
NOT APPLICABLE	NO

"APPROPRIATE" DISCIPLINARY OPTION:

MIN		MAX	
0	0	0	0
NON-DISCIPLINARY COUNSELING	NON-DISCIPLINARY COUNSELING	NON-DISCIPLINARY COUNSELING	NON-DISCIPLINARY COUNSELING

SELECTION GUIDE:

- STEP 6:** Next, indicate the disciplinary option that will actually be selected or recommended in this case.
- STEP 7:** Finally, confirm that the disciplinary option actually selected or recommended was the most reasonable and appropriate option based on your responses to the case evaluation. If so, a "YES" will appear to the right.
- STEP 8:** Finally, document the incident in accordance with district guidelines.

NON-DISCIPLINARY COUNSELING

-  [GET ACKNOWLEDGED ORAL WARNING TEMPLATE](#)
-  [GET WRITTEN WARNING TEMPLATE](#)
-  [GET OFFICIAL REPRIMAND TEMPLATE](#)

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (TN)

APPENDICES—CONT'D.

4.01: RESOURCE; LEAVE STIPULATIONS

SHORT-TERM LEAVES OF ABSENCE

These consist of the following: 1) Emergency Leave; 2) Legal Leave; 3) Sick Leave; 4) Personal Leave; and 5) Professional Leave [TCA §49-5-701 et seq.; TRR 0520-01-02.04; ORS 5.300]. General provisions include the following:

- All short-term leaves of absence shall be requested in writing.
- Absences for reasons not authorized by Board policies shall result in suspension and deduction of pay, and may result in termination of service, unless satisfactory explanation is made to the school administration.

ECOC-related considerations by personnel classification and include, but are not limited to, the following:

Professional Personnel

- **Emergency Leave.** An immediate Supervisor may grant a Licensed Employee emergency leave during the workday for a sudden, unexpected occurrence demanding immediate attention [ORS 5.301]. Such leave shall be taken as Personal Leave, Sick Leave, or leave without pay [ORS 5.301]. An employee who uses such leave shall confirm said leave on appropriate forms the day after returning to work [ORS 5.301].
- **Legal Leave.** If a Teacher summoned for jury duty is eligible for a postponement of jury service, that Teacher shall request a postponement until a time outside the academic year so that disruption to the instructional year may be avoided [ORS 5.301]. When a Teacher is summoned for jury duty, he or she shall appear in court and specify a 7 (seven) day period within 12 (twelve) months that he or she will be available for jury duty. The following procedures shall regulate the leave for jury duty for teachers: 1) The Teacher shall present written evidence of summons to serve on a jury; and 2) The Teacher shall be entitled to the usual compensation, less the amount paid by the court [TCA §22-4-106(b); ORS 5.301].

If a Teacher appears in state court because of a personal interest, whether as a plaintiff, defendant or witness or voluntarily appears in behalf of family or friends, or when a Teacher is required to appear in court either as a defendant or plaintiff in a civil case, personal leave or leave without pay shall be granted in accordance with the established Board policies on leaves [ORS 5.301].

- **Sick Leave.** All employees are required to contact their principals or immediate supervisors prior to absences. A signed statement listing the cause of absence shall be provided by the employee on forms furnished by the Superintendent and shall promptly be given to the immediate Supervisor in support of all claims for Sick Leave pay [ORS 5.302].

NOTE: A certificate from the physician on a form furnished by the Board of Education may be required only after employee has been absent 3 (three) or more consecutive days and/or 10 (ten) or more undocumented days in the school year [ORS 5.302].

Sick Leave for maternity purposes may be taken during the period of physical disability only [ORS 5.302].

A Teacher may use up to 30 (thirty) days of accumulated Sick Leave for the adoption of a child [ORS 5.302]. If both adoptive parents are teachers, only 1 (one) parent may request leave [ORS 5.302]. Written verification from the adoption agency or other entity handling the adoption shall be required before the leave is granted [ORS 5.302].

NOTE: In all cases, the principal shall notify the Superintendent's office at once if an employee is sick beyond the limit of his or her Sick Leave accumulation [ORS 5.302].

- **Personal Leave.** Except in an emergency, a Teacher shall give advance notice of at least 1 (one) day of intent to take Personal Leave [TCA §49-5-711(c)(2); ORS 5.303]. The approval of the

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APPENDICES—CONT'D.

4.01: RESOURCE; LEAVE STIPULATIONS—CONT'D.

Superintendent or his/her designee shall be required under the following conditions: 1) If more than 10% (ten percent) of the teachers in any given school request its use on the same day, provided, that on making this calculation, any major fraction shall be considered as 1 (one) and in schools of 5 (five) teachers or less, one Teacher may take Personal Leave at his or her discretion [TCA §49-5-711(c)(1)(A); ORS 5.303]; 2) If Personal Leave is requested during any prior established student examination period [TCA §49-5-711(c)(1)(B); ORS 5.303]; 3) If Personal Leave is requested on the day immediately preceding or following a holiday or vacation period [TCA §49-5-711(c)(1)(C); ORS 5.303 and 5.310]; 4) If Personal Leave is requested for days scheduled for professional development or in-service training, according to a school calendar adopted by the Board of Education prior to the commencement of the school year [TCA §49-5-711(c)(1)(D)]; or 5) If Personal Leave is requested for days scheduled for parent-Teacher conferences, according to a school calendar adopted by the Board of Education prior to the commencement of the school year [TCA §49-5-711(c)(1)(E)].

- **Professional Leave.** Requests shall be submitted to the principal at least 5 (five) days prior to the requested leave [ORS 5.303].

Support Personnel

- **Emergency Leave.** A maximum of 3 (three) days per school year may be taken for such leave with pay [ORS 5.301]. Such leave is not accruable and must be approved by the employee's Supervisor [ORS 5.301].
- **Legal Leave.** Support Personnel called for jury duty or who serve as court witnesses shall present the subpoena or other documents which give reporting instructions to their immediate supervisors [ORS 5.301]. The employee shall obtain a form indicating the days served and the court pay to be received from the court's clerk for submitting to the payroll office [ORS 5.301]. The employee shall receive the usual compensation less the amount paid by the court [TCA §22-4-106(b); ORS 5.301].
- **Sick Leave.** The immediate Supervisor may require a physician's certificate stating the reason for absence [ORS 5.302].
- **Personal Leave.** There are no provisions under state statute or Board policy.
- **Professional Leave.** There are no provisions under state statute or Board policy.

LONG-TERM LEAVES OF ABSENCE

These consist of the following: 1) Military Leave; 2) Family and Medical Leave; 3) Physical Assault Leave; 4) Sabbatical leave; or 5) Legislative Leave [TCA §49-5-701 et seq.; TRR 0520-01-02.04]. General provisions include the following:

- All such leave shall be requested in writing at least 30 (thirty) days in advance on forms provided by the Superintendent [ORS 5.304 and 5.305].
- The notice period may be waived or reduced by the Superintendent upon submission of a certified statement by a physician [ORS 5.304].
- The application for leave forms shall require: 1) A description of the type of leave requested; 2) The requested dates for beginning and ending the leave; and 3) A statement of intent to return to the position from which leave is granted [ORS 5.304].
- All leave granted in conformance with ORS 5.304 shall be without pay except as may be covered by Sick Leave (in the case of maternity and recuperative leaves) [ORS 5.304].
- Except for Military Leave, all such leaves shall be from a specific date to a specific date [ORS 5.304].
- The procedure and condition for extending a leave are the same as those used when originally requesting and granting the leave [ORS 5.304].
- Part-time leaves may be granted by the Superintendent upon written request for the same conditions as for full-time leave [ORS 5.304].
- Any Teacher on such leave shall notify the Superintendent at least 30 (thirty) days prior to the date of return if the Teacher does not intend to return to the position from leave [TCA §49-5-706; ORS 5.200,

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APPENDICES—CONT'D.

4.01: RESOURCE; LEAVE STIPULATIONS—CONT'D.

5.201 and 5.304]. Failure to give such notice shall be considered breach of contract [TCA §49-5-706; ORS 5.200, 5.201 and 5.304] (see [Section 8.0](#)).

ECOC-related considerations by personnel classification and include, but are not limited to, the following:

Professional Personnel

- **Military Leave.** Military Leave shall be granted for whatever period may be required [ORS 5.304]. The employee shall supply a copy of the orders for duty, including the dates of departure, and return it to the Superintendent prior to, or simultaneous with, requesting leave [ORS 5.306]. All requests for such leaves or extensions shall conform to state law and Board policy governing all leaves of absence [ORS 5.306]. Failure to comply with applicable laws and policies shall constitute grounds for Dismissal [ORS 5.306].
- **Family and Medical Leave.** The Superintendent may require that a request for FML be supported by certification issued by a health care provider with the following information: 1) The date on which the serious health condition commenced; 2) The probable duration of the condition; 3) The appropriate medical facts within the knowledge of the health care provider regarding the condition; and 4) A statement that the eligible employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time that such employee is needed [ORS 5.305]. If there is any reason to doubt the validity of the certification provided, the Superintendent may require, at the expense of the School System, an opinion of a second health care provider [ORS 5.305].
- **Physical Assault Leave.** A signed statement listing the cause of the absence shall be provided by the employee on forms furnished by the Superintendent and shall promptly be given to the immediate Supervisor in support of all claims [TRR 0520-01-02.04(5)(b); ORS 5.307]. A certificate from the physician on forms furnished by the Superintendent may also be required to verify the extent of the injury [TRR 0520-01-02.04(5)(b); ORS 5.307].
- **Sabbatical Leave.** Such leave must conform to the provisions of ORS 5.308.
- **Legislative Leave.** The employee shall notify the principal at least 5 (five) days prior to leave being taken [ORS 5.309].

Support Personnel

- **Military Leave.** See above.
- **Family and Medical Leave.** See above.
- **Physical Assault Leave.** There are no provisions under state statute or Board policy.
- **Sabbatical Leave.** There are no provisions under state statute or Board policy.
- **Legislative Leave.** There are no provisions under state statute or Board policy.

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The logo consists of a small red rectangle with the white text "ECOC" inside it.

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4.01: RESOURCE; LEAVE STIPULATIONS—CONT'D.

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APPENDICES—CONT'D.

4.02: RESOURCE; ELECTRONIC COMMUNICATIONS & SOCIAL NETWORKING

The Superintendent shall develop and implement procedures for appropriate Internet use which shall address the following [ORS 4.406]:

- Development of a network and internet use agreement.
- General rules and ethics of internet access.
- Guidelines regarding appropriate instruction and oversight of student internet use.
- Prohibited and illegal activities, including, but not limited to, the following:
 - Sending or displaying offensive messages or pictures.
 - Using obscene language.
 - Harassing, insulting, defaming or attacking others.
 - Damaging computers, computer systems or computer networks.
 - Hacking or attempting unauthorized access to any computer.
 - Violation of copyright laws.
 - Trespassing in another's folders, work or files.
 - Intentional misuse of resources.
 - Using another's password or other identifier (impersonation).
 - Use of the network for commercial purposes.
 - Buying or selling on the internet.
 - Using the resources of the network for the purposes of campaigning or creating political literature.

The Superintendent or his/her designee shall establish a process to ensure the School System's education technology is not used for purposes prohibited by law or for accessing sexually explicit materials [ORS 4.406]. The process shall include, but not be limited to [ORS 4.406]:

- Utilizing technology that blocks or filters Internet access (for both students and adults) to material that is obscene, child pornography or harmful to students.
- Maintaining and securing a usage log.
- Monitoring on-line activities of students.

The Superintendent shall develop administrative procedures for development of web pages including content, quality, and consistency standards and shall designate an individual(s) to be responsible for maintaining the official School System web page and monitoring all School System web page activity [ORS 4.407]. A building principal shall make such designation for an individual school [ORS 4.407]. Schools or departments who wish to publish a web page must identify the webmaster's name, email address and phone number on the web page [ORS 4.407].

Additional guidelines for employees of the School System include the following:

- **Network access.** Before any employee is allowed to use the School System's Internet or intranet access, the employee shall be asked to sign a written agreement developed by the Superintendent or his/her designee that sets out the terms and conditions of such use [ORS 1.805 and 4.406]. Any employee who accesses the School System's computer system for any purpose agrees to be bound by the terms of that agreement, even if no signed written agreement is on file [ORS 4.406].
- **Email accounts.** Electronic mail (e-mail) capability among members of the Board of Education and School System staff exists for the purpose of enhancing communication to better perform tasks associated with their positions and assignments [ORS 1.805]. Therefore, all staff and members of the Board of Education who have access to the School System network shall adhere to the established guidelines when sending or receiving messages via system-wide e-mail [ORS 1.805]. Users with network access shall not utilize School System resources to establish electronic mail accounts through third-party providers or any other non-standard electronic mail system [ORS 4.406].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (TN)

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APPENDICES—CONT'D.

4.02: RESOURCE; ELECTRONIC COMMUNICATIONS & SOCIAL NETWORKING—CONT'D.

- **Resource monitoring.** Because all computer hardware and software belong to the Board, all data, including e-mail communications stored or transmitted on School System computers, shall be monitored [ORS 1.805 and 4.406].
- **No reasonable expectation of privacy.** Employees have no (reasonable) expectation of privacy with regard to such data, and confidentiality cannot be assured [ORS 1.805 and 4.406].
- **Public inspection.** E-mail correspondence may be a public record under the public records law and may be subject to public inspection [TCA §10-7-101 et seq.; ORS 1.407 and 4.406]. E-mail messages shall pertain to legitimate business of the Board of Education or School System and shall not be used to circumvent requirements of the *Open Meeting Act* [TCA §8-44-102; ORS 1.805].
- **Password protection.** Staff and members of the Board of Education shall not reveal their passwords to others in the network or to anyone outside of it [ORS 1.805]. If anyone has reason to believe that a password has been lost or stolen or that e-mail has been accessed by someone without authorization, he or she shall contact the Technology Coordinator immediately [ORS 1.805].
- **Content of messages.** It is the responsibility of the sender: 1) Not to violate copyright laws; and 2) Not to send messages that contain material that may be defined by a reasonable person as obscene, racist, sexist, or promoting of illegal or unethical activity [ORS 1.805].
- **Web pages.** Only those web pages maintained in accordance with Board policy and established procedures shall be recognized as official representations of the School System or of individual schools [ORS 4.407]. All web pages must adhere to the content, privacy, and advertising standards of the School System [ORS 4.407].
- **Social networking.** The School System respects the right of employees to use Social Media and networking sites, as well as personal websites and blogs; however, it is important that employees' personal use of these sites does not damage the reputation of the School System, its employees, its students or their families. Important considerations include the following [ORS 4.406]:
 - Personnel with a presence on social networking websites are prohibited from posting data, documents, photographs or inappropriate information that is likely to create a material and substantial disruption of classroom activity.
 - Personnel are prohibited from accessing personal social networking sites on school computers or during school hours except for legitimate instructional purposes.
 - The Board of Education discourages personnel from socializing with students on social networking websites.

NOTE: The same relationship, exchange, interaction, information, or behavior issues that would be unacceptable in a non-technological medium are also unacceptable where technology is used.

Any use of technology resource contrary to Board policy: 1) Shall be reported immediately to the Superintendent, the Chairman of the Board of Education, or the Secretary of the Board of Education; 2) May result in the suspension and/or revocation of system access; or 3) May result in disciplinary action [ORS 1.805 and 4.406]. Violations of ORS 1.805, 4.406 or 4.407, or any procedure promulgated under their authority, shall be handled in accordance with the existing disciplinary procedures of this School System as determined by the Superintendent [ORS 1.805 and 4.406].

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APPENDICES—CONT'D.

4.03: RESOURCE; DRUG & ALCOHOL TESTING

TESTING FOR PRE-EMPLOYMENT PURPOSES

There are no provisions under state statute or Board policy.

TESTING WITH REASONABLE SUSPICION

Trained supervisors have the responsibility to observe and document the cause for reasonable suspicion and when appropriate, refer the matter to the Superintendent or his/her designee [ORS 5.403]. Any employee may be required to submit to substance screening if the following conditions exist [ORS 5.403]:

- Observed use, possession or sale of illegal drugs and/or use, possession, sale, or abuse of alcohol and/or prescription drugs.
- Apparent physical state of impairment of motor functions.
- Marked changes in personal behavior not attributed to other factors.
- Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents whether or not they involve actual or potential injury.
- Violation of criminal statutes involving the use of illegal drugs, alcohol or prescription drugs and/or violations of drug statutes.

NOTE: This list is not inclusive [ORS 5.403].

Additional considerations include the following:

- It is not the Supervisor's responsibility to attempt diagnosis [ORS 5.403].
- All information, facts and circumstances leading to and supporting this suspicion should be included in a written report detailing the basis for the suspicion [ORS 5.403].
- After the report is filed, the employee should be notified [ORS 5.403].

TESTING ON A RANDOM BASIS

There are no provisions under state statute or Board policy.

TESTING FOR CDL-RELATED PURPOSES

The contractor is responsible for all compliance with the federal *Omnibus Transportation Employee Testing Act of 1991* [49 USC §31306 and §53331].

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF CONDUCT (TN)**

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APPENDICES—CONT'D.

4.03: RESOURCE; DRUG & ALCOHOL TESTING—CONT'D.

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APPENDICES—CONT'D.

4.04: RESOURCE; WEAPONS POLICY EXCEPTIONS

WEAPONS POLICY EXCEPTIONS TENNESSEE

It is an offense for any person to possess or carry, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used or operated by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution [TCA §39-17-1309(b)(1)].

A violation of §39-17-1309(b) is a Class E felony.

It is an offense for any person to possess or carry, whether openly or concealed, any firearm, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used or operated by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution [TCA §39-17-1309(c)(1)].

A violation of TCA §39-17-1309(c) is a Class B misdemeanor [TCA §39-17-1309(c)(2)].

However, in Tennessee, the following firearm possession exceptions are in effect for the School System:

- **Military and law enforcement.** The provisions of TCA §39-17-1309(b) and (c) do not apply to the following persons [TCA §39-17-1309(e)]:
 - Persons employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee national guard when in discharge of their official duties and acting under orders requiring them to carry arms or weapons.
 - Civil officers of the United States in the discharge of their official duties.
 - Officers and soldiers of the militia and the National Guard when called into actual service.
 - Officers of the state, or of any county, city or town, charged with the enforcement of the laws of the state, when in the discharge of their official duties.
 - Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a club or team, and who are required to carry arms or weapons in the discharge of their official class or team duties.
 - Any private police employed by the administration or board of trustees of any public or private institution of higher education in the discharge of their duties.
 - Any registered security guard/officer who meets the requirements of TCA Title 62, Chapter 35, and who is discharging the officer's official duties.
- **School System employees or assignees.** The *School Security Act of 2013* shall take effect July 1, 2013 and applies to the 2013-2014 academic year (and each academic year thereafter). Notwithstanding TCA §39-17-1309 or any other provision of TCA §39-17-1301 et seq. to the contrary, the following people are permitted to possess and carry a firearm on the grounds of the school at which they are assigned:
 - A person employed by the School System as a faculty or staff member at a school within the School System; or
 - A person assigned to a school in accordance with a Memorandum of Understanding between the chief of the appropriate law enforcement agency and the School System [TCA §49-6-815(a)].

In order to possess and carry a firearm on the grounds of the school pursuant to TCA §49-6-815(a), all of the following requirements must be met [TCA §49-6-815(b)]:

- **Requirement #1: Permit.** The person must be authorized to possess and carry a firearm pursuant to TCA §39-17-1351.
- **Requirement #2: Permission of Director and principal.** The person must have the joint written authorization of the Director in conjunction with the principal of the school to carry or possess a firearm on school property.
- **Requirement #3: Qualified individual.** The person:

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (TN)

APPENDICES—CONT'D.

4.04: RESOURCE; WEAPONS POLICY EXCEPTIONS—CONT'D.

- Must be a law enforcement officer (or have prior service as a law enforcement officer) as defined in TCA §39-11-106;
- Must be in compliance with all laws, rules and regulations of the Peace Officer Standards and Training (POST) commission; and
- Must have successfully completed 40 (forty) hours in basic training in school policing as required by TCA §49-6-4217 (any such training shall be approved by the School System and the cost of the training, firearm and ammunition shall be at the expense of the person seeking authorization and not the School System).

Additional provisions include the following:

- **School System notification of law enforcement.** Within 10 (ten) calendar days after the Director has authorized a person to carry or possess a firearm on school property pursuant to TCA §49-6-815(a), the Director shall notify the chief of the appropriate law enforcement agency of each such authorization [TCA §49-6-815(c)(1)]. The notification pursuant to TCA §49-6-815(c)(1) shall contain basic information about each such person including name, address, contact and whether the person is authorized under TCA §49-6-815(a)(1) or (a)(2) [TCA §49-6-815(c)(2)].
- **Authorization is a confidential record.** The joint written authorization of the Director and the principal of the school given pursuant to TCA §49-6-815(b)(2), the notification transmitted to the chief of the appropriate law enforcement agency pursuant to [TCA §49-6-815(c)(1), the names and contact information of any person authorized to carry or possess a firearm on school property pursuant to TCA §49-6-815(c)(2), any listing or compilation of names or individual names of persons who are authorized to carry or possess a firearm on school property, whether the Director and the principal of the school have or have not issued joint written authorization to carry or possess a firearm on school property, or any other document, file, record, information or material relating to the carrying or possessing of a firearm on school property pursuant to this TCA §49-6-815 that is received by, transmitted to, maintained, stored or compiled by the Director, the principal of the school, any School System, or city, county or municipal law enforcement agency, shall be confidential and not open for public inspection [TCA §10-7-101 et seq. and §49-6-815(d)].
- **No SRO mandate.** Nothing in TCA §49-3-315 shall be construed to require the School System or a law enforcement agency of the county to assign or provide funding for a School Resource Officer (SRO) as defined in TCA §49-6-4202 to any city School System within that county on the basis of the WFTEADA as defined by TCA §49-3-302 [TCA §49-6-815(e)]. The providing of security or SROs by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to TCA §49-3-315 [TCA §49-6-815(e)].
- **Weapon in vehicle; non-student adult.** It is not an offense under TCA §39-17-1309(c) for a non-student adult to possess a firearm, if the firearm is contained within a private vehicle operated by the adult and is not handled by the adult, or by any other person acting with the expressed or implied consent of the adult, while the vehicle is on school property [TCA §39-17-1309(c)(1)].
- **Weapon in vehicle; valid carry permit.** Notwithstanding TCA §39-17-1309 (pertaining to carrying a weapon on school property), §39-17-1311 (carrying a weapon in a public park, playground, civic center or other recreational area), or §39-17-1359 (pertaining to carrying a weapon at certain public meetings), unless expressly prohibited by federal law, the holder of a valid handgun carry permit recognized in Tennessee may transport and store a firearm or firearm ammunition in the permit holder's privately-owned motor vehicle, as defined in TCA §55-1-103, while on or utilizing any public or private parking area [TCA §39-17-1313(a)] if:
 - The permit holder's vehicle is parked in a location where it is permitted to be; and
 - The firearm or ammunition being transported or stored in the vehicle:
 - Is kept from ordinary observation if the permit holder is in the motor vehicle; or
 - Is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's privately-owned motor vehicle or a container securely affixed to such vehicle if the permit holder is not in the vehicle.

For the purposes of TCA §39-17-1313, "parking area" means any property provided by a business entity, public or private employer, or the owner, manager, or legal possessor of the property for the purpose of permitting its invitees, customers, clients or employees to park privately owned motor vehicles [TCA §39-17-1313(c)(1)].

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APPENDICES—CONT'D.

4.04: RESOURCE; WEAPONS POLICY EXCEPTIONS—CONT'D.

Additional provisions include the following:

- o **School System liability; damages, injury or death.** No business entity, public or private employer, or the owner, manager, or legal possessor of the property shall be held liable in any civil action for damages, injuries or death resulting from or arising out of another's actions involving a firearm or ammunition transported or stored by the holder of a valid handgun carry permit in the permit holder's privately owned motor vehicle unless the business entity, public or private employer, or the owner, manager, or legal possessor of the property commits an offense involving the use of the stored firearm or ammunition or intentionally solicits or procures the conduct resulting in the damage, injury or death [TCA §39-17-1313(b)].
- o **School System liability; theft.** Nor shall a business entity, public or private employer, or the owner, manager, or legal possessor of the property be responsible for the theft of a firearm or ammunition stored by the holder of a valid handgun carry permit in the permit holder's privately owned motor vehicle [TCA §39-17-1313(b)].

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4.04: RESOURCE; WEAPONS POLICY EXCEPTIONS—CONT'D.

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APPENDICES—CONT'D.

5.01: FORM; ACKNOWLEDGED ORAL WARNING



OAK RIDGE SCHOOLS
304 NEW YORK AVE.
P.O. BOX 6588
OAK RIDGE, TN 37831-6588
Telephone: 865.425.9001
Fax: 865.425.9070

Dr. Bruce T. Borchers
Superintendent
Email: btborchers@orfn.edu

ACKNOWLEDGED ORAL WARNING

Employee: [Last name of employee], [First name of employee]

Employee ID: [Employee ID]

Work location: [Name of work location]

It is necessary to warn you of the following unacceptable conduct or performance:

[Insert description of incident(s)]

Date of Incident(s): [Insert date(s)] Time of Incident(s): [Insert time(s)]

ECOC violation involved:

[Insert grounds for employee discipline]

Employee Response:

[Insert verbal response, if any, using quotes where possible]

Case facts considered:

[Insert summary of pertinent aggravating and/or mitigating factors identified in Douglas Factor evaluation, including past non-disciplinary counseling, if applicable]

Acknowledgement of Receipt

I acknowledge receipt of the above-referenced disciplinary action and confirm deny the accuracy of the account herein. I was was not given an opportunity to verbally respond to these allegations.

I understand that I may respond in writing to this action on or before [insert date] and that any written response should be either: 1) Hand-delivered to the issuing supervisor; or 2) Submitted to his or her office in a sealed envelope. Any such response will be acknowledged in writing.

I further understand that a copy of this action will be retained in an [Unofficial Supervisor's File (USF)] and that any written response submitted will be attached.

Finally, I also understand that failure to remediate the action(s) or behavior(s) referenced herein may result in further disciplinary action, up to and including suspension or dismissal.

Supervisor signature

Date

Supervisor name

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APPENDICES—CONT'D.

5.01: FORM; ACKNOWLEDGED ORAL WARNING—CONT'D.

Employee signature

Date

Employee name

Attachments: [Examples: investigation artifacts, written response]
cc: [Unofficial Supervisor's File (USF)]

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APPENDICES—CONT'D. 5.02: FORM; WRITTEN WARNING



OAK RIDGE SCHOOLS
304 NEW YORK AVE.
P.O. BOX 6588
OAK RIDGE, TN 37831-6588

Telephone: 865.425.9001
Fax: 865.425.9070

Dr. Bruce T. Borchers
Superintendent
Email: btborchers@ortn.edu

[Insert date]

[First name of employee] [Last name of employee] [Employee ID]
[Name of work location]

RE: WRITTEN WARNING

Dr./Mr./Mrs./Ms. [Last name of employee]:

On [insert date(s) of incident(s)] at [insert time(s) of incident(s)], [insert description of incident(s)].

When asked about [this incident/these incidents] on [insert date of verbal response], you indicated that [insert verbal explanation or relevant information in quotes where possible].

[This incident/These incidents] represent [insert grounds for employee discipline], which is a violation of the Employee Code of Conduct (see attached copy of ECOC violation). As a result, I am hereby advising you that I have issued a written warning in response on the date indicated below.

Prior to taking this disciplinary action, the following case facts were considered: [Insert summary of pertinent aggravating and/or mitigating factors identified in Douglas Factor evaluation, including past non-disciplinary counseling or disciplinary action(s), if applicable].

As a reminder, I expect [insert specific building/site level level expectation(s) for employee action(s) or behavior(s)]. You are a valued member of my team, and I am confident that you will consider the potential ramifications of [this incident/these incidents] on [department/school system operations, student achievement, etc.].

Acknowledgement of Receipt

I acknowledge receipt of the above-referenced disciplinary action and confirm deny the accuracy of the account herein. I was was not given an opportunity to verbally respond to these allegations.

I understand that I may respond in writing to this action on or before [insert date] and that any written response should be either: 1) Hand-delivered to the issuing supervisor; or 2) Submitted to his or her office in a sealed envelope. Any such response will be acknowledged in writing.

I further understand that a copy of this action will be retained in an [Unofficial Supervisor's File (USF)] and that any written response submitted will be attached.

Finally, I also understand that failure to remediate the action(s) or behavior(s) referenced herein may result in further disciplinary action, up to and including suspension or dismissal.

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APPENDICES—CONT'D.

5.02: FORM; WRITTEN WARNING—CONT'D.

Supervisor signature _____
Date

Supervisor name

Employee signature _____
Date

Employee name

Attachments: [Examples: investigation artifacts, copy of ECOC violation,
written response]

cc: [Unofficial Supervisor's File (USF)]

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APPENDICES—CONT'D. 6.01: FORM; OFFICIAL REPRIMAND



OAK RIDGE SCHOOLS
304 NEW YORK AVE.
P.O. BOX 6588
OAK RIDGE, TN 37831-6588

Telephone: 865.425.9001
Fax: 865.425.9070

Dr. Bruce T. Borchers
Superintendent
Email: btborchers@ortn.edu

[Insert date]

[First name of employee] [Last name of employee] [Employee ID]
[Name of work location]

RE: OFFICIAL REPRIMAND

Dr./Mr./Mrs./Ms. [Last name of employee]:

On [insert date(s) of incident(s)] at [insert time(s) of incident(s)], [insert description of allegation(s)].

When asked about [this allegation/these allegations] on [insert date of verbal response], you indicated to [insert name and/or title of investigator] that [insert verbal explanation or relevant information in quotes where possible].

The ensuing investigation has confirmed [this allegation/these allegations] to be factual and that you have engaged in the following violation of the Employee Code of Conduct: [insert grounds for employee discipline]. In accordance with school system policy (see attached copy of ECOC violation), I am hereby advising you that an official reprimand was issued in response on the date indicated below.

Prior to taking this disciplinary action, the following case facts were considered: [Insert summary of pertinent aggravating and/or mitigating factors identified in Douglas Factor evaluation, including past non-disciplinary counseling or disciplinary action(s), if applicable].

This action serves as formal notification that the school system expects [insert specific district level expectation(s) for employee action(s) or behavior(s)] in accordance with [insert statutory/policy reference] (see attached). It is recommended that you consider the seriousness of your misconduct, since failure to remediate the action(s) or behavior(s) referenced herein may result in further disciplinary action, up to and including suspension or dismissal.

Should you wish to respond to this action in writing, you may do so on or before [insert date]. Any written response should be submitted directly to [Human Resources] in a sealed envelope and will be acknowledged in writing. A copy of this action, along with any written response submitted, will be retained in your [Official Personnel File (OPF)].

This action may may not be grieved or otherwise contested in accordance with state statute or school system policy. A copy of your rights and responsibilities is is not attached.

Any questions regarding this action should be submitted in writing to [Human Resources].

Regards,

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APPENDICES—CONT'D.

6.01: FORM; OFFICIAL REPRIMAND—CONT'D.

Superintendent/designee signature

Date

Superintendent/designee name

Acknowledgement of Receipt:

Employee signature

Date

Employee name

Attachments: [Examples: investigation artifacts, copy of ECOC violation/statute/ policy, written response]

Enclosures: [Contest rights and responsibilities disclosure]

cc: [Official Personnel File (OPF)]

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APPENDICES—CONT'D.

10.01: FORM; ACKNOWLEDGEMENT OF ECOC RECEIPT



304 New York Avenue
P.O. Box 6588
Oak Ridge, TN 37831
(865) 425-9008
(865) 425-9023 Fax

Oak Ridge Schools Employee Acknowledgement Form, Code of Conduct

The Oak Ridge Schools Board of Education Employee Code of Conduct (ECOC) establishes the context of standards for all employees of the school system, and the expected employee behavior. The Board of Education has directed that each employee be given access to the Employee Code of Conduct, and strongly recommends that each employee read the document. The Board of Education further stipulates that each employee acknowledge by signature that they have been advised of where to access the document as well as their responsibilities for compliance to the Code.

The Oak Ridge Schools Employee Code of Conduct is located on the ORS website at www.ortn.edu. From the homepage choose Human Resources and then Personnel Policies and Handbooks to find the ECOC.

As the ECOC describes important Oak Ridge Schools employment standards and expectations, my signature indicates that I understand I should consult my supervisor or the Office of Human Resources regarding any questions about the ECOC.

Since the information described in the ECOC is subject to change, I also acknowledge that revisions to the Code may occur. All such changes will be communicated through interoffice mail, or electronic communication such as the district website or email. Effective April 2015, annual notices, including an executive summary will be sent to all employees every January regarding the ECOC. I understand official notices and revised information may supersede, modify, or eliminate the existing code. Only the Oak Ridge Schools Board of Education has the ability to adopt any revisions to the ECOC.

My signature indicates I have received access to the ECOC, and understand it is my responsibility to read and comply with the Code and any revisions made to it.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF CONDUCT (TN)**



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APPENDICES—CONT'D.

10.01: FORM; ACKNOWLEDGEMENT OF ECOC RECEIPT—CONT'D.

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GLOSSARY

Unless the otherwise required under the provisions of state statute or Board policy, the following definitions apply:

TERM	DEFINITION
Absent without Leave	This term means missing work because of: 1) A reason conforming to a policy in effect, but the maximum days provided for in that policy will be exceeded; 2) A reason not conforming to any policy in effect; or 3) A Failure to report to work without prior notification to the Superintendent or his/her designee.
Acknowledged Oral Warning	This term means a documented conference between an Administrator or Supervisor and an employee. This informal action is the least severe type of response to an ECOC violation and is meant to alert an employee to the fact that: 1) A deficiency has been noted; and 2) Self-remediation is expected. Although there is no prescribed format for Acknowledged Oral Warnings under state statute, the School System-approved procedure must be followed and the event must be documented.
At-Will Status	This term means the employment status of a Non-Licensed Employee. All such persons shall be hired at the will of the Superintendent [TCA §49-2-301(b)(1)(FF)].
Board of Education	This term (or “Board”) means the Oak Ridge Schools Board of Education, the local board of education holding jurisdiction in its respective territory [TCA §49-5-501(2)].
Collaborative Conferencing	<p>This term means the process by which the chair of a local board of education and the board's professional employees, or such representatives as either party or parties may designate, meet at reasonable times to confer, consult and discuss and to exchange information, opinions and proposals on matters relating to the terms and conditions of professional employee service, using the principles and techniques of interest-based collaborative problem-solving [TCA §49-5-602(2)].</p> <p>NOTE: Nothing in TCA 49 Chapter 5 Part 6 shall be construed to require Collaborative Conferencing, agreement on any terms and conditions of employment, or, if agreement has not been reached between the local board of education and the representatives of the professional employees, a Memorandum of Understanding [TCA §49-5-609(d)]. Absent an agreement and memorandum of understanding on terms and conditions specified for Collaborative Conferencing in TCA 49 Chapter 5 Part 6, the local board of education shall have the authority to address such terms and conditions through policy [TCA §49-5-609(d)].</p>
Commissioner	This term means the Tennessee Commissioner of Education.
Director	This term (or “Superintendent”) means the local director of schools (or any other officer performing such functions) [TCA §49-5-501(4)].
Dismissal	This term means a formal disciplinary action whereby an employee is permanently separated from service on an involuntary basis when: 1) The issue of employee remediation is either no longer valid or is otherwise irrelevant; or 2) The misconduct involved is incompatible with initial or continued employment by the School System. For a Licensed Employee, the action may be further characterized as: 1) A Dismissal for Cause (i.e., for very serious misconduct); or 2) A Dismissal for Substandard Performance (i.e., for a failure to meet performance standards established by TSBE and/or the School System) [ORS 5.110 and 5.201].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (TN)



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GLOSSARY–CONT'D.

	NOTE: This formal action requires the level of due process outlined in state statute and Board policy based upon employment status [TCA §49-2-203(a)(1), §49-2-301(b)(1)(FF), §49-5-501(10) and (11), §49-5-503 and 504; ORS 5.117, 5.200, 5.201 and 5.202]. Only the Board of Education and/or the Superintendent may issue this type of employee discipline.
Emergency Leave	This term means leave during the workday granted by an immediate Supervisor for a sudden, unexpected occurrence requiring immediate attention taken as Personal Leave, Sick Leave, or leave without pay [ORS 5.301].
Family and Medical Leave	This term (or “FML”) means reasonable leave taken: 1) For medical reasons; 2) For the birth or adoption of a child; or 3) For the care of a child, spouse or parent who has a serious health condition [ORS 5.305].
Grievance	This term means any claim by a Grievant that there has been a violation of: 1) Board policy; or 2) An MOU, if applicable.
Grievant	This term means the Professional Employer Organization or Professional Employee filing a Grievance.
Impartial	This term means that the selected hearing officer shall have no history of employment with the Board of Education or the Superintendent, no relationship with any member of the Board of Education and no relationship with the Teacher or representatives of the Teacher for the purposes of TCA 49 Chapter 5 Part 5 [TCA §49-5-512(a)(3)].
Incompetence	This term means being incapable, lacking adequate power, capacity or ability to carry out the duties and responsibilities of the position [TCA §49-5-501(5)]. This may apply to physical, mental, educational, emotional or other personal conditions [TCA §49-5-501(5)]. It may include lack of training or experience, evident unfitness for service, a physical, mental or emotional condition making the Teacher unfit to instruct or associate with children or the inability to command respect from subordinates or to secure cooperation of those with whom the Teacher must work [TCA §49-5-501(5)].
Inefficiency	This term means: 1) Having a level of efficiency below the standards maintained by others currently employed by the Board of Education for similar work [TCA §49-5-501(6)]; 2) Being habitually tardy, inaccurate, or wanting in effective performance of duties [TCA §49-5-501(6)]; or 3) Having evaluations demonstrating an overall performance effectiveness level that is "below expectations" or "significantly below expectations" as provided in the evaluation guidelines adopted by TSBE [TCA §49-1-302 and §49-5-501(5)].
Legal Leave	This term means leave taken: 1) For jury duty; or 2) For court appearances on either a compelled or a voluntary basis [ORS 5.301].
Legislative Leave	This term means leave for licensed employees who have been elected to state or local law-making bodies that is granted either as Personal Leave or leave without pay for the time those law-making bodies are in official session or while attending official meetings outside the session [ORS 5.309].
Licensed Employee	This term (or “Certified Employee” or “Certificated Employee”) means a person who is employed in a position for which a license is required.
Management Personnel	This term means those professional employees certified by the local board of education to represent the local board of education in the collaborative conferencing process [TCA §49-5-602(3)].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (TN)



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GLOSSARY–CONT'D.

Management Rights	This term means that the Board, as the duly constituted representative of the people and as the agent of the state, has rights with regard to Collaborative Conferencing issues that include, but are not limited to, the following: 1) To manage and control public education in this School System [TCA §49-2-203(a)(2)]; 2) To not delegate or abdicate its legal responsibilities; 3) To retain its legal status in any federal, state, or private statute even with passage of PECCA; 4) To negotiate with its employees subject to the requirements and limitations set forth in PECCA; and 5) To not be subject to the <i>National Labor Relations Act</i> .
Management Team	This term means employees who devote a majority of their time to system-wide professional personnel management, fiscal affairs, or general management, and specifically includes principals, assistant principals, supervisors and others whose principal responsibilities are administration rather than teaching [TCA §49-5-602(4)].
Memorandum of Understanding	This term (or “MOU”) means the written document that memorializes and records the understanding reached by the local board of education and its professional employees, or their respective representatives, if so designated, as to the terms and conditions of professional services set forth in TCA Title 49 Chapter 5 Part 6 [TCA §49-5-602(5) and §49-5-609].
Military Leave	This term means leave for employees who are members of any reserve component of the U.S. Armed Forces that is granted for all periods of military service during which they are engaged in the performance of duty or training in the service of either Tennessee or the United States [ORS 5.306].
Neglect of Duty	This term means gross or repeated failure to perform duties and responsibilities that reasonably can be expected of one in such capacity or continued unexcused or unnecessary absence from duty [TCA §49-5-501(8)].
Non-Licensed Employee	This term (or “Classified Employee”) means a person who is employed in a position for which no teaching license is required [TCA §49-2-301(b)(1)(FF)].
Official Reprimand	This term means a statement of censure for misconduct of such concern that a permanent record of the incident(s) needs to be established. This formal action is used when the ECOC violation involved warrants a response that is more severe than a Written Warning, but less severe than a Suspension. Although there is no prescribed format for issuing this type of employee discipline under state statute, the School System-approved procedure must be followed and the event must be documented. NOTE: No formal disciplinary hearing is required. Only the Superintendent or his/her designee may issue this type of employee discipline.
OREA	This term means the Oak Ridge Education Association, a Professional Employee’s Organization [ORS 5.900].
Overtime	This term means hours physically worked in excess of 40 (forty) hours per week by a non-exempt employee [29 CFR §553.20 and §778.101; ORS 5.602].
Physical Assault Leave	This term (or “Personal Injury Leave”) means leave for a Teacher from assigned duties as a result of personal physical injuries caused by a physical assault or other violent criminal against the Teacher while on duty [TRR 0520-01-02.04(5)(a); ORS 5.307].

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Personal Leave	This term means leave that is intended to be used for personal reasons, subject to the conditions of TCA §49-5-711(c)(1), that can be taken at the discretion of a Teacher, who shall not be required to give reason(s) for the use of the leave [TCA §49-5-711(c)(1); ORS 5.303].
Probation	This term means a condition and period of trial during which a Teacher is under observation to determine his or her fitness for Tenure Status [TCA §49-5-501(9) and §49-5-504].
Probationary Status	This term (or “Non-Tenured Teacher”) means the employment status of a Teacher who is not currently in Tenure Status.
Professional Employee	This term means any person employed for service in public elementary and secondary schools of this state, supported, in whole or in part, by local, state or federal funds, who is neither a member of the Management Team, as defined in TCA 49 Chapter 5 Part 6, or a retired Teacher who is employed as a Teacher in accordance with TCA 8, Chapter 36 Part 8 [TCA §49-5-602(8)].
Professional Employee’s Organization	This term means any organization with membership open to professional employees, as defined in TCA §49-5-602(8), in which the professional employees participate and that exists for the purpose of promoting the professional status and growth of educators and the welfare of students [TCA §49-5-602(9)].
Professional Personnel	This term means, collectively, all personnel whose employment requires licensure in accordance with rules and regulations of TSBE [ORS 5.102].
Professional Leave	This term means a short, temporary absence for the purpose of attending workshops and other meetings relating to school business or serving on boards and commissions which meet during daytime hours when appointed by a mayor, city council, county executive or county commission [ORS 5.303].
Representative	This term (or “Representatives”) means any person, or group of persons, organization, or association that is designated and authorized by professional employees or local board of education to act for the professional employees or the local board, respectively, under TCA 49 Chapter 5 Part 6 [TCA §49-5-602(10)].
Sabbatical Leave	This term means leave of absence without pay not exceeding 1 (one) year to further education on a full-time basis [ORS 5.308].
School System	This term means Oak Ridge Schools.
Sick Leave	This term means: 1) Illness of a Teacher from natural causes or accident, or quarantine; or 2) Illness or death of a member of the immediate family of a Teacher, including the Teacher’s spouse, parent, grandparent, child, grandchild, brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law [TRR 0520-01-02.04(2); ORS 5.302], step-child, step-parent, or caregiver [ORS 5.302].
Social Media	This term means electronic public or private posts by an employee on: 1) Social networking websites (including, but not limited to, Facebook®, YouTube®, Skype®, Twitter®, Flickr®, LinkedIn®, Instagram®, or MySpace®); 2) Weblogs (or “blogs”); 3) Wikis (including, but not limited to, Wikipedia); 4) Other websites; or 5) Message boards.

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Supervisor	This term means: 1) Any Professional Employee of a local board of education whose full-time job responsibilities consist of oversight of other professional employees, or curriculum development, or both [TCA §49-5-602(12)]; or 2) Any other individual with supervisory responsibilities possessing sufficient training and experience to perform the services required and such qualifications as the Board and the Superintendent shall determine [ORS 5.102].
Support Personnel	This term means, collectively, all personnel whose employment does not require licensure in accordance with rules and regulations of TSBE [ORS 5.102]. NOTE: Examples include, but are not limited to, the following groups of employees: 1) Bookkeepers; 2) Secretaries; 3) Clerks; 4) Maintenance employees; 5) Custodial employees; 6) Cafeteria employees; 7) Instructional assistants; 8) Information technology employees; and 9) Transportation employees.
Suspension	This term means a temporary separation from service on an involuntary basis. The action may be taken without pay either: 1) For disciplinary purposes (e.g., when the grounds for employee discipline involved warrant an action that is more severe than an official reprimand, but a less severe than a Dismissal); or 2) For non-disciplinary administrative purposes (e.g., when the employee may create a hazard situation during a pending investigation or is otherwise subject to a pending Dismissal action). A disciplinary Suspension is the most severe type of employee discipline that is still compatible with continued employment and is meant to serve as a significant consequence for either a serious lapse of judgment or for misconduct of such concern that the School System must ensure that the employee understands that a repeat incident is likely to result in Dismissal. NOTE: This formal action requires the level of due process outlined in state statute and School System policy based upon employment status [TCA §49-2-203(a)(1), §49-2-301(b)(1)(FF), §49-5-501(10 and (11), §49-5-503 and 504; ORS 5.117, 5.200, 5.201 and 5.202]. Only the Board of Education and/or the Superintendent may issue this type of employee discipline.
TCA	This term means Tennessee Code Annotated.
TDCS	This term means the Tennessee Department of Children’s Services.
TDE	This term means the Tennessee Department of Education.
Teacher	This term means: 1) Teachers, supervisors, principals, the Superintendent, and all other certificated personnel employed by any local board of education, for service in public, elementary and secondary schools in this state, supported in whole or in part by state or federal funds [TCA §49-5-501(10) and §49-5-602(8)] ; or 2) Any person employed by a local board of education in a position which requires a license issued by TDE [TRR 0520-01-02.04(1)].
Tenure	This term means employment status other than Probation that a Teacher may be under while teaching in the public schools [TCA §49-2-203(a)(1), §49-5-501(11)(A) and §49-5-503; ORS 5.117].
Tenure Status	This term (or “Tenured Teacher”) means the employment status of a Teacher who is not currently in Probationary Status. Statutory considerations include the following:

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GLOSSARY–CONT'D.

	<ul style="list-style-type: none"> • If a Teacher acquires Tenure (see TCA §49-2-203(a)(1) and §49-5-503), the Teacher shall remain under Tenure Status until such time as the Teacher resigns, retires, is dismissed or the Teacher is returned to Probationary Status by the Superintendent under TCA 49 Chapter 5 Part 5 [TCA §49-5-501(11)(B)(i)]. • No Teacher who acquired tenure status prior to July 1, 2011, shall be returned to Probationary Status [TCA §49-5-501(11)(B)(ii)]. • A Teacher has no property right in the Teacher's Tenure status and must sustain a specified performance effectiveness level on evaluations, as provided in this TCA 49 Chapter 5 Part 5, to achieve and maintain Tenure Status [TCA §49-5-501(11)(B)(i)]. • No Teacher, including administrative and supervisory personnel, who has acquired tenure status is entitled to any specific position [TCA §49-5-501(11)(C)].
TRR	This term means Tennessee Rules & Regulations.
Transfer	This term means removal from 1 (one) position to another position under jurisdiction of the same Board of Education [TCA §49-5-501(12)].
TSBE	This term means the Tennessee State Board of Education.
Working Conditions of professional employees	<p>This term (or Terms and Conditions of Professional Service”) means those fundamental matters that affect a Professional Employee financially or the employee's employment relationship with the Board and that are specifically designated as such under TCA 49 Chapter 5 Part 6 [TCA §49-5-602(13)].</p> <p>NOTE: The terms "working conditions" and "terms and conditions of professional service" are intended to be narrowly defined and do not include any matters not specifically designated under TCA 49 Chapter 5 Part 6 [TCA §49-5-602(13) and §49-5-608]. The scope of conferencing shall not include proposals contrary to: 1) Federal law, state law or applicable municipal charter; 2) Professional Employee rights defined in TCA 49 Chapter 5 Part 6; or 3) Board rights contained in TCA 49 [TCA §49-5-609(a)].</p>
Workplace	This term means: 1) Any school building or any school premise; 2) Any school-owned or any other school-approved vehicle used to transport students to and from school or school activities; and 3) Off-school property during any school-sponsored or school-approved activity, event, or function for the purposes of ORS 1.804 [ORS 1.804].
Written Warning	This term means a documented conference between a Supervisor and an employee that is meant to put the employee on notice that the action(s) or behavior(s) involved, if left unremediated, may result in formal disciplinary action in the future. This informal action is used when the ECOC violation involved warrants a response that is more severe than an Acknowledged Oral Warning, but a less severe than an Official Reprimand. Although there is no prescribed format for Written Warnings under state statute, the School System-approved procedure must be followed and the event must be documented.

